

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

111

CWP No.22990 of 2017

Date of decision: 09.10.2017

Shri Bhagwan

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.S.K.Yadav, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for issuance of fresh appointment/joining letter to the petitioner, on account of not being able to join as per the terms and conditions of the appointment letter issued on 14.12.2016 (Annexure P-3) for the post of PGT Geography (HES-II).

Counsel submits that as per the said annexure, the initial appointment letter was issued way-back on 13.06.2016 but was only sent to the petitioner on 14.12.2016 and there was a condition, as per clause 20 of the said letter, that the petitioner had to join upto 31.12.2016. Intimation of the same had to be sent to respondent No.1, failing which, the offer of appointment would be deemed to have been withdrawn. As per further endorsement also, non-joining report was to be sent and candidates were not to be allowed to join after 31.12.2016 with the District Education Officer, Rewari. It is the case of the petitioner that he had got his medical Fitness Certificate prepared by 28.12.2016 but thereafter, respondent No.3 was not available on 29.12.2016 and 30.12.2016 as he was busy in Chandigarh and on 31.12.2016, the office was closed being Saturday. It is further the case of the petitioner that various representations have been made dated 30.01.2017 (Annexure P-4), 15.05.2017 (Annexure P-5) and

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28.06.2017 (Annexure P-6) but no action has been taken on it. Resultantly, this Court has been approached.

Notice of motion.

Ms.Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to her.

Keeping in view the above facts, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply, since decision is yet to be taken on the said representations.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of with a direction to respondent No.1 to take into consideration the representations dated 30.01.2017 (Annexure P-4), 15.05.2017 (Annexure P-5) and 28.06.2017 (Annexure P-6) dispassionately and the fact whether the petitioner had been got medically examined on 28.12.2016 and subject to the availability of the vacancy for the said post. In case there is no legal hurdle, the said respondent shall pass appropriate orders within a period of 3 months from the receipt of a certified copy of this order, especially keeping in mind that respondent No.3 was allegedly not available to facilitate the joining. Needless to say that in case an adverse order is to be passed, same should contain reasons and be conveyed to the petitioner, forthwith.

09.10.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*