

LPA no. 2357 of 2017 (O&M) 1

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

LPA no. 2357 of 2017 (O&M)

Date of Decision : 15.12.2017

Haryana Urban Development Authority

....Appellant(s)

Versus

Nitin Mangla and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present: Mr. Sandeep Moudgil, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 5.5.2017.

The writ petitioner-respondent No.1 participated in a selection process and was placed at No.1 in the waiting list. One of the candidates who got appointment from the select list abdicated his post on the last date when the waiting list would have expired on completion of one year from the date of final result. The writ petitioner then approached this Court after having failed to elicit any positive response from the appellant with a plea that he ought to be given the assignment being No.1 in the waiting list and with a vacancy that has occurred.

The learned Single Judge accepted the plea and we find no reason to interfere with the impugned order merely on the argument raised by the appellant that the waiting list expired on completion of one year. The

peculiar facts suggest that the vacancy arose on the last date and, therefore,

giving a hyper-technical interpretation would be to defeat the ends of justice and the cause of aspirant who concededly being at No.1 in the waiting list would have gained assignment had the vacancy arisen few days prior.

Besides, the appeal is also barred by 185 days which has not been explained adequately.

Appeal dismissed.

(Mahesh Grover)
Judge

(Raj Shekhar Attri)
Judge

15.12.2017	
dss/rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No