

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108+234

CWP-1327-2017(O&M)

Date of Decision: May 08, 2018

Gurtej Singh

.....Petitioner

versus

Food Corporation of India and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Kanan Malik, Advocate
for the petitioner.

Mr. J.S. Puri, Advocate for the respondents.

Sudhir Mittal, J. (Oral)

CM-6804-2018

Application is allowed as prayed for.

Additional affidavit of respondents, is taken on record.

CWP-1327-2018

The petitioner seeks writ in the nature of Mandamus directing the respondents-Food Corporation of India to appoint the petitioner to the post of Assistant General Manager (General Administration) in the OBC category, advertised vide the Advertisement No.5/2015-FCI, Category-I, being No. 1, in the waiting list.

2. The petitioner is working as Manager in the Food Corporation of India.

Pursuant to the aforementioned advertisement, he had applied for the said post. The

last date for submission of documents was 14.08.2015. One of the documents to be supplied was No Objection Certificate from the employer. The candidature of the petitioner was rejected on the ground that No objection Certificate was not supplied on or before the last date.

3. Learned Sr. Counsel for the petitioner submits that the petitioner applied for No Objection Certificate on 29.07.2015. Reference is made to letter Annexure P-8, in which it is mentioned that the said certificate was prepared on 10.08.2015 and issued on 19.08.2015. Argument is that the petitioner is not to blame for non-submission of the No Objection Certificate.

4. Learned counsel for the respondents, on the other hand, submits that submission of No Objection Certificate was a requirement of the advertisement and since the petitioner did not comply with the said requirement, the respondent-Food Corporation of India had no other option but to reject his candidature.

5. The letter Annexure P-8 makes it abundantly clear that issuance of No Objection Certificate was approved by the competent authority on 10.08.2015 and was finally issued on 19.08.2015.

6. Thus, the petitioner can not be faulted for non-submission of the said document on or before the last date i.e. 14.08.2015. The respondent-Food Corporation of India was the employer as well as the agency demanding the submission of No Objection Certificate. For laxity on its part, the respondent cannot make the petitioner suffer.

7. Affidavit dated 07.05.2018 prepared by Sh. Pankaj Pandey, Assistant General Manager (Administration) shows that the vacancy for which the petitioner had applied still exists.

8. In view of the above, the writ petition is allowed. It is directed that the

petitioner be appointed on the post for which, he had applied with effect from the date from which he would have been appointed had the dispute regarding the No Objection Certificate not arisen. He will also be paid all consequential benefits.

May 08, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No