

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 22590 of 2015 (O&M)
Date of Decision: January 16, 2018

Rajesh Gurjar

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajeev Anand, Advocate,
for the petitioner.

Mr. R.S.Sihag, Advocate,
for respondent nos. 1 to 3.

P.B. Bajanthri, J. (Oral)

1. In the instant petition, petitioner has sought for quashing order dated 23.05.2015 (Annexure P/9) by which petitioner's selection and appointment to the post of Constable (General Duty) in the Central Reserve Police Force, State of Jammu & Kashmir jurisdiction, has been cancelled on the score that petitioner is a domicile of State of Rajasthan.

2. Learned counsel for the petitioner submitted that cancellation of appointment is without notice or without holding any inquiry. Therefore, on that sole ground cancellation of appointment dated 23.05.2015 is liable to be set aside.

3. Perusal of Annexure P/9, it is evident that inadvertently petitioner has been appointed as Constable (General Duty) in CRPF, State of Jammu & Kashmir ignoring the fact that he is domicile of State of

Rajasthan. Even assuming that petitioner is given show cause notice as to why order of appointment shall not be cancelled, petitioner cannot improve the things to the extent that he is resident of State of Jammu & Kashmir so as to uphold the order of appointment issued to the petitioner. Therefore, there is no infirmity in the order dated 23.05.2015.

4. Accordingly, petition stands dismissed. Selecting authority are hereby directed to pay cost of Rs. 30,000/- to the petitioner as litigation expenses since petitioner was unnecessarily permitted to discharge duties of the post in State of Jammu & Kashmir as a Constable and compelled to approach this Court. In other words, petitioner has been misled in respect of selection and appointment. Cost shall be paid to the petitioner within a period of three months from today.

January 16, 2018
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No