

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

**CWP-3052-2014 (O&M)
Date of decision : 11.12.2018**

Narvinder Pal Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Khiva, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JITENDRA CHAUHAN, J.

By way of the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner, *inter alia*, seeks issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to join his duties in view of appointment order dated 08.11.2011 (Annexure P-3), passed by respondent No.2.

It is the case of the petitioner that in pursuance of advertisement dated 23.09.2009 (Annexure P-1), he was selected to the post of Senior Laboratory Attendant, but did not join duties. Subsequently, the respondents issued public notice dated 09.01.2013 (Annexure P-7), to the effect that in case, the selected candidates in pursuance of advertisement (Annexure P-1) had not joined their duties, they can join within a period of 15 days. In pursuance thereto, the petitioner approached respondent Nos.2

and 3 on 14.01.2013, but he was not allowed to join the duties. Subsequently, he also moved application before respondent No.2 on 27.08.2013 (Annexure P-8), but no action has been taken by the respondents till date.

On the other hand, learned State counsel submits that the petitioner was issued appointment letter on 08.11.2011 with the condition to submit joining report within 15 days thereafter. It was specifically provided that in case of failure to join duties within the stipulated period, the offer of appointment would stand cancelled. The petitioner never joined his duties. However, the department issued public notice dated 09.01.2013 (Annexure P-7) providing a chance to the selected candidates to join their duties who could not do it earlier. On realizing that the process to fill up the unfilled vacancies in pursuance of advertisement (Annexure P-1) had already been started, public notice (Annexure P-3) was withdrawn vide order dated 19.09.2013 (Annexure R-2). It is submitted that no candidates, including the petitioner, were allowed to join duty consequent upon public notice dated 09.01.2013 (Annexure P-7). It is further submitted that the claim of similarly situated persons stands rejected by this Court in ***Inderpreet Singh and others Vs. State of Punjab and another*** bearing CWP No.6589 of 2016, decided on 07.04.2016 (Annexure R-4).

Heard.

It is to be noticed that vide public notice dated 09.01.2013 (Annexure P-7), the respondents gave another chance to the candidates who were selected pursuant to advertisement Annexure P-1, but were unable to join their duties. The petitioner availed the said chance and approached the

authorities within the period stipulated therein. However, the petitioner was not allowed to join his duties, rather his claim was kept pending till 19.09.2013, on which date public notice Annexure P-7 was withdrawn.

In the considered opinion of this Court, the respondents have acted in an arbitrary manner in withdrawing the offer made vide public notice dated 09.01.2013 (Annexure P-7) without citing any cogent reasons which was particularly designed for the successful candidates to join their duties who had not been able to join earlier. A perusal of affidavit of Mr. Balbir Singh, Director of Public Instructions (Secondary Education) Punjab, reveals that the vacancies which remained unfilled in pursuance of the recruitment process initiated in the year 2009 as well as the vacancies which became available subsequently were filled up in the year 2014 and 2015.

In view of the above, this Court feels that the action of the respondents is arbitrary and deserves to be set aside. Accordingly, the instant petition is allowed and the respondents are directed to allow the petitioner to join his duties after completing necessary formalities within a period of four weeks from the date of receipt of a certified copy of this judgment.

Allowed.

11.12.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No