

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

**CWP No.527 of 2017
Date of Decision: 07.08.2018**

Manish Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Bhagwat Dayal, Advocate for the petitioner.

Ms.Nidhi Garg, AAG Haryana.

Mr.Sachin Gupta Ladwa, Advocate, for the respondents No.4.

RITU BAHRI, J. (ORAL)

Petitioners are seeking direction to the respondents No.3 and 4 to declare the petitioner in the employment of the respondent No.4 as Building Inspector from 03.11.2016 with all consequential benefits including the continuation of the employment as per the outsourcing policy of the Government of Haryana and payment of salary for the period commencing from 03.11.2016.

Learned counsel for the petitioner submits that petitioner has been appointed for the post of Building Inspector as per jointing report dated 03.11.2016 but he was not allowed to mark attendance and nor any work was assigned to him. Thereafter, on repeated request for allotting the work to Secretary, Municipal committee Ladwa but nothing came out from such requests. He made representations on 14.12.2016 (Annexure P-3) and on 03.01.2017 (Annexure P-4) but no action has been taken in this regard.

Today, reply has been filed on behalf of respondent No.4. The same is taken on record.

As per reply, after relieving Sandeep Kumar earlier Building Inspector vide relieving order dated 30.08.2016 (Annexure R-4/1) from Municipal Committee, Ladwa, the permission vide Government letter dated 03.11.2016 (Annexure P-1) granted only with respect to appoint a building inspector nor the name of the petitioner was mentioned. It has been further

submitted in the reply that petitioner was B-Tech (Mechanical) (Annexure R-4/2) and as per rules for appointment as Building Inspector, the qualification must be B-Tech (Civil). It has been admitted that petitioner moved an application for appointment for the vacant post on 03.11.2016 to the office of Municipal Committee, Ladwa and the answering respondent by mistake and in routine work marked the same to the Accounts Branch but never appointed the petitioner who was not even eligible for the said post. The petitioner conceal the fact that he filed a Civil Suit (Annexure R-4/3 and R-4/4) for permanent injunction before the Hon'ble Court of Civil Judge, Kurukshetra for same cause of action and the same was dismissed but the petitioner not mentioned this fact in the present writ petition. A perusal of Annexure R4/4 shows that plaintiff suffered a statement to the effect that he does not want to proceed further with the present suit and wants to withdraw the same. The suit was withdrawn on 08.12.2016 and the present writ petition was filed on 07.01.2017 where, this fact has not been mentioned in the writ petition.

Keeping in view that the petitioner had never been appointed for want of eligible educational qualification, the present writ petition is dismissed as such.

(RITU BAHRI)
JUDGE

07.08.2018

anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>