

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

**CWP-3333-2019 (O&M)
Date of Decision:06.03.2019**

Arun Vashist

... Petitioner

Versus

Punjab Small Industries and Export Corporation Ltd. & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kanwaljit Singh, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Pleadings on record would indicate that the respondent/Punjab Small Industries and Export Corporation Limited issued an advertisement at Annexure P-1 in the year 2016 for filling up various posts including one post of Manager (legal).

Petitioner applied for the post of Manager (legal) and subjected himself to a process of selection. It is the case of the petitioner himself that in the final merit that was drawn out, his name figured at Sr. No.4.

Instant writ petition had been filed seeking mandamus for directing the respondent/Corporation to appoint the petitioner against the post of Manager (legal) and in the alternate directions are sought to command the Corporation to issue a fresh advertisement for filling up the post in question.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the prayer(s) raised in the writ petition are not tenable.

Counsel does not dispute that after culmination of the selection process, an appointment letter had been issued in favour of one Sh. Rinku Jain and who had secured rank No.1 as per merit. Sh. Rinku Jain having not

accepted the appointment, offer of appointment was made to the candidate next in order of merit i.e. Sh. Girish Garg. Such appointment was accepted and Sh. Girish Garg joined as Manager (legal) w.e.f. 06.01.2017. Thereafter such candidate submitted his resignation on 05.10.2018 and as a result thereof the post of Manager (legal) has fallen vacant. What clearly emerges is that the solitary post of Manager (legal) that had been advertised by the Corporation vide Annexure P-1 was filled up and consumed on account of joining of Sh. Girish Garg on 06.01.2017. On account of his resignation in the month of October, 2018, the resultant vacancy has now to be filled up in accordance with law and by issuing a fresh notice/advertisement. As and when the respondent/Corporation chooses to fill the post by initiating a fresh recruitment process, it would be open for the petitioner to apply subject to his fulfillment of the eligibility conditions.

The alternate prayer raised in the instant writ petition for issuance of a mandamus to fill up the vacant post of Manager (legal) is also without merit. It is not the case made out on behalf of the petitioner that such post is being kept vacant deliberately and on account of any extraneous conditions/oblique motive. It would be the prerogative of the employer to take a decision as regards the timing to fill up any particular vacancy.

In view of the above, no basis for intervention in the instant writ petition is made out.

Writ petition is dismissed.

06.03.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |