

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

CWP No. 9536 of 2019

Date of decision : 14.05.2019

Baljinder Singh & ors.

...Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jasjit Singh Saini, Advocate for the petitioners.

RAJAN GUPTA J.

Petitioners have prayed for setting-aside circular dated 28.04.2016, Annexure P-5 whereby recruitment process for the post of drivers of heavy transport vehicles was stopped. Operative part of the order reads as under:-

“It was decided by the Cabinet Government of Punjab on 19-07-2011 to fill the 200 posts of Drivers in the Department of Health and Family Welfare on regular basis through Departmental Selection Committee and withdrawn out of the preview of Punjab Subordinate Service Selection Board. In view of the above the Department of Health and Family Welfare invited the applications online on 26-07-2011 through C-DAC Mohali. But the recruitment process has not been completed till date.

238 vehicles have been hired in the department of Health as per instructions issued by the Government of Punjab Department of Finance (Budget Branch-1) on 4.12.2014. Now the department does not need to fill the post of drivers. So the recruitment process of the drivers is being stopped at Government level.”

It has been urged before the court that the decision is arbitrary. As the posts are lying vacant, petitioners are entitled to be considered for the same. I find no merit in the plea.

It is evident that 238 vehicles have been hired by the department of Health as per instructions issued by the Government of Punjab, Department of Finance on 04.12.2014. As alternative arrangements were made the State Government felt that there was no need to fill up the post of drivers. The selection process was, thus, stopped. Government cannot be forced to take a decision to fill up the posts in the eventuality it has made alternate arrangements. Petition is, thus, without any merit and is hereby dismissed.

May 14, 2019

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No