

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

**CWP-10080-2014 (O&M)
Date of decision : 02.05.2019**

Pardeep Kumar

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arihant Goyal, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J.

Prayer in the instant petition, *inter alia*, is for issuance of direction to the respondents to appoint the petitioner as Assistant Cashier with all consequential benefits.

It is submitted that vide Advertisement No.5 of 2011 (Annexure P-1), 41 posts of Assistant Cashier were advertised. The petitioner being fully eligible, applied for the same. The petitioner took the test conducted on 06.11.2011 and as per the result declared, he was awarded 34.25 marks, whereas, the candidates from Sr. No.17 to 19 obtained 31.75, 31.50 and 31.25 marks, respectively. It is submitted that the petitioner was ignored while the candidates from Sr. No.17 to 19 having lesser marks, were selected. Feeling aggrieved, the petitioner submitted a detailed representation as also served a legal notice, but to no avail. Ultimately, he preferred CWP-9515-2013 before this Court which was decided on

03.05.2013 (Annexure P-11). Consequent thereto, speaking order dated 10.06.2013 has been passed whereby, the petitioner has found ineligible as not having the experience of handling cash and stamps.

It is submitted that the petitioner had acquired experience as Gramin Dak Sewak in the Department of Post Offices. The respondents have not treated the said experience as qualifying experience for the purpose of selection to the post in question.

On the other hand, learned State counsel submits that in the experience certificate produced by the petitioner at the time of counselling, there was no mention regarding handling the cash and stamps and accordingly, he was not found eligible.

Heard.

Similar controversy arising out of the same selection process became subject matter for consideration of this in ***CWP-5144-2013***, tiled as ***Harinder Kaur Vs. State of Punjab and others***, decided on 20.05.2014, wherein, it was held as under:-

“41 posts of Assistant Cashier in the Department of Treasuries and Accounts, Punjab, were advertised vide Advertisement No. 5 of 2011. Out of the aforesaid posts, 5 posts were reserved for Backward Class Category. The qualification required was matric with first division or B. A. from recognised university and Mathematics as one of the subject at the Matriculation level. The candidate should have experience of working in some bank/ post office or in Government service for at least three years with experience of handling cash and stamps. She applied for the post. The petitioner is holding degree of Masters of Business Administration. In

support of her claim for experience, she produced a certificate from the Health Department, PHC (Primary Health Centre), Harpalpur, District Patiala dated 17.4.2012 that she was employed as Block Accountant-cum- Cashier with the Department. The certificate was got verified by the Board. As the name of the petitioner was not found in the select list and the names of the private respondents being lower in the merit were there, the petitioner made a representation dated 2.1.2013 (Annexure P-9) to the Board, but no action was taken by the official respondents on the representation made by the petitioner. Thereafter, the petitioner got issued a legal notice dated 21.1.2013 (Annexure P-10), but the same was also not responded to.

A perusal of the experience certificate shows that the petitioner is working as Block Accountant-cum-Cashier in the Health Department since 15.4.2008. The certificate was verified by the SMO, PHC, Harpalpur, District Patiala which specifically mentioned that she possess the experience of handling the cash and stamps. Otherwise also, it was not pointed out that any kind of special knowledge is required to handle stamps once a candidate can handle cash and maintain accounts.

Considering the fact that the petitioner has experience of handling stamps also as verified by the SMO, PHC, Harpalpur and she had secured more marks than respondents No.3 and 4 in the written test and three posts are still lying vacant, the petitioner deserves to be appointed on the post of Assistant Cashier.

For the reasons mentioned above, the writ petition is allowed. The petitioner is declared eligible for the post of Assistant Cashier having requisite qualification and experience. Respondent nos. 1 and 2 are directed to offer appointment to the petitioner on the post of

Assistant Cashier. The needful be done within a period of two months from the date of receipt of copy of the order. As undertaken, the petitioner shall be entitled to all the benefits from the date of joining.”

In the instant case, the petitioner has worked as Gramin Dak Sevak. The petitioner had sought information under the RTI Act about the details of work done by the Gramin Dak Sewak. The necessary information was provided vide letter dated 02.08.2013 (Annexure P-14), relevant portion whereof reads thus:-

“JOB LIST OF GDS STAFF

To open the Post Office.

To mark attendance.

To get office and furniture clean.

To change the dates in office date stamps and to get the impression in Book of Postmark.

Receipt of BO/TB bag in the office and also from Bus Stand, Station and Account Office.

Opening of bag(s).

Opening of Cash Bag.

Examination of articles received from bags and get them stamped.

To enter the accountable articles in BO Journal i.e. Registered, Parcel, Speed Post, Money Order, VPL, VPP, Insured Letter etc.

Preparation of delivery slips of accountable articles.

To deliver all type of articles in the Area Attached.

To make payment of high value Money Orders by the BPM himself.

To paste the delivery slip of delivered articles on the back of the BO slip of related date of receipt of article.

To give remark in the BO Journal for undelivered

articles.

Booking of Registered Letters.

Booking of Registered Parcels.

Booking of Money Orders.

Opening of new SB, RD and TD accounts and issue of SB-26 receipt in this regard.

To make deposit in SB account.

To make withdrawal in SB Account.

To make closure entry in SB Account.

To make deposit in RD Account.

To make entry of Half withdrawal in RD Accounts.

To make final withdrawal of RD Account at the time of closing.

To make entry of yearly interest paid in the TD Account.

To make final withdrawal/closing of TD Account.

To make the entry of all the transactions of SB, RD & TD in the Journal/Long Book.

To issue SB-28 receipt to depositors for collection of Pass Books for interest or any other purpose.

Collection of Telephone Bills revenue.

Collection of Electricity Bills revenue.

Sale of stamps and stationery.

Clearance of letter Boxes

Placing and stamping of letters received from the Lbs

Closing of Cash Bag.

To fill up the BO Account.

To prepare the BO daily account and enter the all type of accountable articles and reference letter in the BO daily account.

Closing of bag.

Dispatch of Bags.

Collection and Exchange of bags by GDS Runner.

Collection of RPLI Premium.

To give information related to RPLI and its advantages

*to the villagers and get the business in this regard.
To inform the public regarding Postal Schemes.
To close the office after office hours.”*

A perusal of the above duty chart of a Gramin Dak Sewak clearly suggests that the incumbent of the post has to deal with cash as well as the stamps. Merely not mentioning the words 'handling of cash and stamps' on the experience certificate, does not, in any way, renders the petitioner ineligible for appointment to the post in question.

In view of the above, the petitioner is declared eligible for the post of Assistant Cashier having requisite qualification and experience. Accordingly, the respondents are directed to offer appointment to the petitioner on the post of Assistant Cashier within a period of six weeks from the date of receipt of a certified copy of this order. The petitioner shall be entitled to all the benefits from the date of joining.

Allowed.

However, as the selection pertains to the year 2011, the State shall make an endeavour, not to oust any already serving employee, if any, as a consequence of the outcome of this writ petition.

02.05.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No