

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13098-2017 (O&M)
Date of Decision: 10.12.2019

Jasveer Singh

--Petitioner

Versus

Punjab State Cooperative Supply & Marketing
Federation Limited

--Respondent

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

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

Mr. A.S. Sidhu, Advocate for the respondent.

TEJINDER SINGH DHINDSA.J (Oral)

In pursuance to the order dated 16.8.2017 passed by this Court, learned counsel representing the respondent-Federation has filed in Court today an affidavit dated 10.12.2019 of Mr. Amandeep Singh, Law Officer, Markfed. Same is taken on record and a copy has been furnished to counsel opposite.

With the consent of counsel for the parties, the writ petition is taken up for final disposal today itself.

Petitioner has filed the instant petition aggrieved of the action of respondent-Markfed in having held him ineligible for the post of Manager (Quality Control) (Cattle Feed & Allied Industries), Kapurthala on the ground that even though he possesses the requisite qualification for the post but he does not have the necessary 5 years experience in the relevant industrial unit.

Counsel for the parties have been heard.

Perusal of the impugned order dated 12.4.2017 (Annexure P-12) passed by the Managing Director, Markfed would reveal that even

though, the prescribed qualification for the post in question was M.Sc., Chemistry and 5 years experience in the relevant industrial unit, petitioner has been held ineligible on the ground that experience of the petitioner is in the Pharmaceutical Industry.

Instant petition had come up for preliminary hearing on 16.8.2017 and at that stage the precise contention raised by counsel had been noticed that the question/issue as to whether experience of the petitioner is in the relevant industrial unit ought to have been dealt with by the experts in the matter. Case projected on behalf of the petitioner was that the impugned order holding the petitioner to be ineligible has been passed in pursuance to deliberations undertaken by a Departmental Screening Committee comprising of Chief Accounts Officer, Senior Manager (Law and Tax) and Senior Manager (Personnel) amongst others.

In the affidavit that has been filed on behalf of the Markfed in Court today a stand has been taken that the constitution of the Departmental Screening Committee was as per instructions issued by the State Govt. In para 3 of the affidavit it has been conceded that the Committee Members were not experts in the field of the advertised post i.e. Manager (Quality Control) (Cattle Feed & Allied Industries).

In the considered view of this Court, the composition of the Departmental Screening Committee ought to have been such that the Members held expertise in the field so as to form an opinion as to whether the experience held by the petitioner was in the relevant industrial unit or not. It is conceded case of Markfed itself that no experts in the field were on the Departmental Screening Committee. Merely following State instructions in the matter would not have met the requirement of a valid

selection process. Under such circumstances, the passing of the impugned order dated 12.4.2017 (Annexure P-12) holding the petitioner to be ineligible on account of a view subscribed by a Committee constituted of Members not being experts in the field, cannot sustain.

It may be taken note of that during the pendency of the instant writ petition the respondent-Markfed had issued a fresh advertisement to fill up the post in question. Vide order dated 30.10.2019 the respondents were restrained from filling up the solitary post. Court has been apprised that since the basic issue of eligibility of the petitioner was already pending before this Court, petitioner did not apply in response to the subsequent advertisement.

For the reasons recorded above, the impugned order dated 12.4.2017 (Annexure P-12) is set aside.

Respondent-Markfed is directed to constitute a Committee afresh comprising of subject experts. The application that the petitioner had submitted in the initial recruitment process as also the result of the written test in which he had participated would hold good for consideration of the petitioner in the subsequent advertisement for the same very post. The candidature of the petitioner along with others who may have applied in pursuance to the subsequent advertisement process would be considered by the Committee of Experts in the field as regards looking into the aspect of eligibility of possessing the requisite experience. Needless to mention that it would be open for the respondent-Federation then to select and appoint the most meritorious from amongst the eligible candidates.

Writ petition is disposed of in the aforesaid terms.

It is, however, clarified that this Court while setting aside the impugned order dated 12.4.2017 (Annexure P-12) has not opined on the aspect of the petitioner possessing the requisite/required experience for the post in question.

(TEJINDER SINGH DHINDSA)
JUDGE

10.12.2019

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No