

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

CWP-4311-2014 (O&M)

Date of decision : 29.04.2019

Paramjeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Kakkar, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

CM-1951-CWP-2015

Allowed as prayed for, subject to all just exceptions. Annexure
P-12 is taken on record.

Main case

Prayer in the instant petition is for issuance of direction to the respondents to give appointment to the petitioner on the post of Driver, advertised vide public notice dated Nil (Annexure P-10).

It is contended that the petitioner had applied for the post of Driver in the Department of Punjab Home Guard and Civil Defence. As per the advertisement, in order to be eligible for the post in question, the candidate must be able to read and write Punjab and possess driving licence for both light and heavy vehicles with at least five years' experience as driver. The petitioner was declared ineligible on the ground that he did not

possess Heavy Transport Vehicle (HTV) for five years, which period was to complete on 28.12.2012, whereas, the advertisement was issued on 26.12.2012.

It is argued that the petitioner had driving experience for more than five years. Neither the rules nor the advertisement required a candidate to possess five years' experience both for Light Motor Vehicle and Heavy Transport Vehicle. As far as the HTV experience is concerned, he was merely two days short of the prescribed period, otherwise, he makes it to the selection list on merit.

On the other hand, learned State counsel submits that Rule 8(14) of the Punjab Home Guards & Civil Defence Class-III Service Rules, 1983, which applied to all Class-III employees including the drivers, clearly stipulates that for appointment to the post of Driver, a person should be able to read and write Punjab and should possess valid driving license for light and heavy vehicles with at least five years of experience as driver. The petitioner was short of two days experience of driving HTV. Therefore, he was rightly held ineligible for the post in question.

Heard.

The question that arises for consideration of this Court is whether the expression 'five years experience of driving having valid driving licence for light and heavy vehicles', appearing in the advertisement would include experience for Light Motor Vehicle as well as Heavy Transport Vehicle. The argument raised by learned counsel for the petitioner is that there is no specific reference that a candidate is required to have five years' experience for each of the category of vehicles i.e. LMV

and HTV. The driving licence held by the petitioner is more than six year old, whereas, he is short of only two days so far as the HTV is concerned. The interpretation given by the respondents is that five years' experience of driving HTV and LMV does not cause any prejudice to the petitioner and all the applicants in general. Reference in this regard can be placed on Rule 8(14) ibid which stipulates that a candidate should possess valid driving licence for LMV and HTV with minimum experience of five years driving the LMV and HTV. Admittedly, the petitioner was two days' short of requisite experience as on the crucial date.

Considering the above, this Court feels that the candidature of the petitioner was rightly rejected as he did not have the necessary experience on the date of advertisement. Learned counsel for the petitioner refers to information dated 31.10.2014 received under the RTI Act to contend that three posts of Driver are still lying vacant. However, since the petitioner did not possess the minimum experience required for the post, it would not make any difference if post is still lying vacant. No ground for interference is made out.

Dismissed.

29.04.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No