

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-13519-2014

Date of Decision:-17.02.2020.

Balwinder Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. C.M. Munjal, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Lovish Arora, Advocate for
Mr. Sanjeev Kumar Arora, Advocate for
respondent Nos.3 and 4.

SANJAY KUMAR, J. (Oral)

The petitioners participated in the selection for recruitment to the posts of Fireman/Driver on contractual basis in the Municipal Corporation at Mohali. After their due selection to the posts, the same was approved by the Municipal Corporation, Mohali, in the first instance, and thereafter, by the Government of Punjab. However, by order dated 30.05.2014 (Annexure P-8), the entire process of selection was cancelled on the ground that a complaint had been received in relation thereto and the Minister of Local Government, Punjab, had directed that the selection should be undertaken afresh.

Aggrieved by this development, the petitioners filed this writ petition.

Pursuant to the order passed in this writ petition, the inquiry

report of the Chief Vigilance Officer, Local Government, Mohali, was produced. This report is dated 25.07.2013. Perusal thereof reflects that though the inquiring authority found no evidence of the relations of the Additional Divisional Fire Officer having been selected, he himself admitted that one of the selected candidates was his nephew. That apart, the inquiring authority found that some of the selected candidates had relied upon training certificates which had been issued by the Institute of Safety Management at Kharar, but upon verification, it was found that there was no such institute in existence. Further, some other irregularities were also detected with regard to age relaxation.

The aforestated report cannot be suspected as the inquiry was undertaken by a vigilance official. Once the selection process stood tainted, this Court finds no reason to interfere with the cancellation thereof. It is well settled that mere selection in the recruitment process would not vest a selected candidate with an indefeasible right to be appointed.

That being said, as the petitioners were amongst the selected candidates and any fresh selection now undertaken may be detrimental to their interest if they have crossed the age barrier, it would be necessary for the authorities to take that aspect into account and consideration while initiating the recruitment process afresh.

Making this position clear, the writ petition is disposed of.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 17, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.