

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

**CWP No.18314 of 2019
Date of decision: 10.01.2020**

Shokeen

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gunjan Mehta, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Ritu Bahri, J.

The petitioner is seeking direction to the respondents to join him as driver as per offer of appointment dated 20.04.2018 (Annexure P-5).

Pursuant to the advertisement No.4/2017 dated 18.05.2017 (Annexure P-1), petitioner had participated in the selection process for the post of Heavy Vehicle Driver. After completion of selection process, he was offered appointment vide letter dated 20.04.2018 (Annexure P-5). However, he was not allowed to join.

Upon notice, written statement on behalf of the respondents has been filed, wherein it has been stated that after verification by the Regional Transport Officer, Sonapat, driving licence of the petitioner, which was bearing No. HR-6920080188898, was found to be issued on 30.12.2008 (LTV) and was endorsed with heavy vehicle on 09.07.2014 (Annexure P-3).

As per advertisement No.4/2017 dated 18.05.2017, last date for submission of the applications was 24.06.2017. As per the condition of eligibility, the candidate should have a driving license of heavy transport vehicle with three years experience of driving heavy transport vehicle. It has been further submitted that the petitioner was not found eligible as he did not possess driving license of heavy transport vehicle with three years experience of driving heavy transport vehicle on the closing date i.e. 24.06.2017.

As per written statement, there was shortage of 15 days in the experience of petitioner.

Learned counsel for the petitioner states that as per certificate (Annexure P-2), petitioner had undergone training, as prescribed by the Driver's Training Institute, Sonipat, from 21.05.2014 to 24.06.2014.

The above certificate (Annexure P-2) is not disputed by the respondents in their written statement. As per this certificate, petitioner was enrolled in the institute on 21.05.2014 and his name was registered at serial No.3139 in the register. According to the syllabus, he has driven heavy vehicle from 21.05.2014 to 24.06.2014 satisfactorily. Hence, this period of driving of heavy vehicle can easily be taken into account while calculating his experience. In these circumstances, for all intents and purposes, after calculating the period w.e.f. 21.05.2014 to 24.06.2014, the petitioner had the experience of three years of driving heavy vehicle on the last date of submission of application forms i.e. 24.06.2017.

In view of the above, the present petition is allowed with costs of Rs.25,000/- to be paid by the respondents to the petitioner. The

respondents are directed to join the petitioner on duty within a period of one

week from the date of receipt of certified copy of this order and compliance report thereof, be sent to this Court.

(RITU BAHRI)
JUDGE

10.01.2020

ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No