

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23367-2016

Date of decision: 04.03.2020

Mohinder Singh

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Randhir Singh, Advocate
for State of Haryana.

RITU BAHRI, J. (Oral).

By this petition, the petitioner is seeking quashing of order dated 24.10.2016 (Annexure P-15) whereby his services have been terminated after serving for one year and nine months.

The brief facts of the case are that petitioner applied for the post of Driver under the BC-B category pursuant to advertisement dated 05.08.2009 (Annexure P-1). Thereafter he was called for viva voce vide notice dated 03.02.2011 (Annexure P-2). The final result was declared on 19.01.2012 but the name of the petitioner was not in the list of successful candidates. He made attempts to get information with respect to marks of the selected candidates under the BC-B category vide letter dated 24.01.2012 (Annexure P-3). Vide letter dated 17.01.2013 (Annexure P-6) the State Public Information Officer gave information to the petitioner that he did not possess the valid driving license for the post of Driver (HTV). Copy of the driving license is Annexure P-7 and NOC dated 18.05.2011

issued by Licensing Authority, District Transport Department is Annexure

P-8. Thereafter petitioner gave his representation and also legal notice, but no action had been taken by respondents No. 2 and 4. Finally he filed **CWP-28378-2013**. This writ petition was disposed of on 24.02.2014 (Annexure P-9) with direction to the Director General State Transport Haryana-respondent No. 2 to decide the legal notice within a period of one month. In contempt petition No. 2099 of 2014, the Director General State Transport, Haryana gave direction to respondent No. 4 to offer appointment to the petitioner on the post of Driver. Thereafter petitioner was offered appointment as Heavy Vehicle Contract/Daily Wages basis Driver vide appointment letter dated 14.01.2015 (Annexure P-11). Keeping in view the offer of appointment, the contempt petition was disposed of vide order dated 15.01.2015 (Annexure P-12). After joining the duties, he filed a civil suit seeking seniority at par with other drivers and at this stage a show cause notice was given to the petitioner on 16.08.2016 (Annexure P-13) informing him that the Haryana Staff Selection Commission informed that he had secured 26.45 marks (academic 19.45 marks and viva voce 7.00 marks) out of 75 marks for the post of HTV Driver and his marks were lesser than the last selected candidate under the BC-B category and his services should be terminated. The petitioner gave his reply (Annexure P-14). Thereafter vide impugned order dated 24.10.2016, the contract of service of the petitioner was cancelled (Annexure P-15).

On notice of this petition, written statement has been filed by the General Manager, Haryana Roadways on behalf of respondents No. 1, 2 and 4 admitting with respect to filing of **CWP-28378-2013 titled as Mohinder Singh V/s. State of Haryana and others**, proceedings in the contempt petition No. 2099 of 2014 and issuance of appointment letter

dated 14.01.2015. In para 3 it has been clarified that the petitioner participated for the post of Driver pursuant to advertisement No. 3/2009 and vide letter dated 10.08.2016 Haryana Staff Selection Commission had informed that petitioner with roll no. 253 belonging to BC-B category had secured 26.45 marks (Academic 19.45 marks plus viva voce 7.00 marks) out of 75 marks and the last selected candidate under BC-B category had secured 35.05 marks out of 75 marks and since the petitioner had secured lessers marks, he was not selected. Copy of the letter dated 10.08.2016 is Annexure R-1 and even *Civil Suit No. 254 of 2016 titled as Mohinder Singh V/s. State of Haryana and others* was dismissed as withdrawn in Lok Adalat (Annexure R-2). A perusal of letter dated 10.08.2016 (Annexure R-1) shows that it is not the case of the Haryana Staff Selection Commission that petitioner was not eligible to be appointed as Driver on account of driving license being invalid but he had secured lesser marks than the last selected candidate under the BC-B category and hence on merit he did not make a cut. No replication has been filed by the petitioner in response to the written statement dated 02.12.2016 filed on behalf of respondents No. 1, 2 and 4 till date.

No merit.

Dismissed.

(RITU BAHRI)
JUDGE

04.03.2020
Divyanshi

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No