

CWP-21062-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21062-2017

Date of Decision: 12th March, 2020

Gurpreet Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, D. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that despite he having been issued appointment letter dated 22.06.2017 (Annexure P-3), whereby he was required to join within a period of 15 days followed by a notice dated 03.07.2017 (Annexure P-4), where 10.07.2017 was the date fixed for joining but because of the fact that the petitioner was pursuing his final semester of M.Tech., moved an application on 07.07.2017 (Annexure P-5) for extension of further five months for joining, the said application was duly received by the respondents but no decision thereon was taken unless 21.08.2017 (Annexure P-7), which was delivered to the petitioner on 09.09.2017, whereafter the petitioner immediately approached this Court by filing the present writ petition.

2. The writ petition came up for hearing on 15.09.2017. While issuing notice of motion, one post of Inspector, Cooperative Societies, was

ordered to be kept reserved for the petitioner.

3. It is the contention of the learned counsel for the petitioner that the factum that the Rules provide for extension of time for joining has not been disputed by the respondents. The fact that eight other candidates were granted extension by the respondents has also been admitted by the respondents and the only reason which has been assigned to distinguish the claim of the petitioner is that the said candidates were already employed and because they were not relieved by their employers, the extension was granted to them, whereas in the case of the petitioner, the position was different. He contends that the delay, if any, had occurred was on the part of the respondents in taking the decision with regard to the extension, which the petitioner had sought. Had the petitioner been not a *bona fide* candidate, on receipt of the decision on the application for extension, he would not have rushed to the Court. Petitioner asserts that he is willing and ready to join the post. Prayer has, thus, been made for setting aside the impugned order dated 21.08.2017 (Annexure P-7).

4. On the other hand, learned counsel for the respondents has asserted that merely because the petitioner was pursuing his studies could not be treated as an exceptional situation where the extension could have been granted to him. She, however, could not dispute the fact that eight other candidates have been granted extension nor could she disputed the fact that there is a provision under the Rules for extension of joining time, which can be granted by the Competent Authority. The fact that the petitioner had, prior to expiry of the period for joining, moved an

application for such extension i.e. on 07.07.2017 has also not been disputed. She, however, contends that the reason on the basis of which the extension of time, as sought for by the petitioner, was not justified as no solid reason was found by the Competent Authority for extending the time for joining so far as the petitioner is concerned. On this basis, prayer has been made for dismissal of the writ petition.

5. I have considered the submissions made by the learned counsel for the parties and with their assistance have gone through the records of the case.

6. The facts as have been narrated above are not in dispute. Petitioner having participated in the process of selection and cleared the same, was issued appointment letter. He was studying in the last semester of M.Tech. course when he applied for extension of time for joining as per the Rules. The said application was required to be considered and decided at the earliest. However, the same was kept pending till decision on 21.08.2017 (Annexure P-7), which was conveyed to him on 09.09.2017. No reason whatsoever has been mentioned while rejecting the application for extension of time except for stating that there was absence of any solid reason for seeking extension. The reason as assigned by the petitioner for seeking extension appears to be justified in the facts and circumstances of the present case and was a *bona fide* request on the part of the petitioner, which is permissible in law as there are powers granted to the Competent Authority for extending the joining period of a candidate.

7. The fact that the other candidates have been granted extension

in joining time i.e. 8 in numbers has also not been disputed. It is not the case where the other candidates have not been granted the benefit of extension, may be for other reason but in the considered view of this Court, the reasons for seeking extension in joining period especially in the light of the fact that the petitioner was in his last semester of M.Tech., cannot be said to be unreasonable or unjustified or without any basis. Petitioner, in any case, would not benefit with the seeking of the extension of time. Therefore, the impugned order cannot be said to be sustainable.

6. In view of the above, the present writ petition is allowed and the impugned order dated 21.08.2017 (Annexure P-7) is hereby quashed. Petitioner is held entitled to the extension of his joining period. He shall be allowed to join forthwith on the post, which was ordered to be kept reserved for him as per the order dated 15.09.2017 passed by this Court. He shall also be entitled to all notional benefits from the date the person(s) lower in merit than him was/were granted the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

12th March, 2020

Harish

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