

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22068-2020

Date of decision: - 21.12.2020

Nitin Mittoo

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Nitin Mittoo, petitioner in person.

Mr. Aditya Sharda, AAG, Haryana
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the challenge is to the order dated 21.10.2020 (Annexure P-3) by which respondent No.4 has been appointed on a consolidated salary for a period of one month on trial basis.

Petitioner, who is appearing in person, argues that respondent No.4 has actually been appointed as Assistant Legal Officer in the respondent-department on contract basis despite the fact that respondent No.4 does not have a law degree, which is essential and hence, appointment of respondent No.4, vide impugned order dated 21.10.2020 (P-3) is arbitrary and illegal.

Assertion of the petitioner that respondent No.4 has been appointed as Assistant Legal Officer is not borne out of this order dated 21.10.2020 (Annexure P-3). As per Annexure P-3, respondent No.4 has

been appointed on trial basis for a period of one month for official work in the pension department. There is nothing mentioned in the order that respondent No.4 has been appointed as Assistant Legal Officer in the Department of Rural Development and Panchayat. That being so, the assertion of the petitioner that respondent No.4 has been appointed as Assistant Legal Officer is not borne out of the impugned order (Annexure P-3) and cannot be accepted. Further, the petitioner has failed to bring on record any document showing that there exists a post of Assistant Legal Officer in the respondent department for which the special qualifications have been laid down including the requirement of degree in law. No such averment exists in the present petition as well. That being so, in the absence of any material being placed on record that there exists a cadre post of Assistant Legal Officer, governed by specific rules, the plea of the petitioner that respondent No.4 has been appointed as Assistant Legal Officer and does not fulfill the qualification for the said post, cannot be considered and accepted.

At this stage, learned State counsel submits that appointment of respondent No.4 was for a period of one month only and that too on trial basis and the said period has already elapsed and he is no longer working in the department.

Keeping in view the above, no ground is made out to interfere in the impugned order dated 21.10.2020 (P-3) and the present writ petition is accordingly dismissed.

December 21, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No