

117 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2674-2022
Date of Decision: 03.03.2022

ASHOK KUMAR GARG

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.K. Garg Narwana, Advocate
with Mr. Nitin Sachdev, Advocate
for the petitioner.

Ms. Kirti Singh, D.A.G., Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of *mandamus* directing the respondents to allow the petitioner to join as President of District Consumer Disputes Redressal Commission in the State of Haryana in pursuance to Advertisement dated 23.08.2021 (Annexure P-1), being at serial No.1 in the waiting list candidates at serial Nos.5 and 7 in the selection list dated 04.01.2022 (Annexure P-4) have not joined within the stipulated period of 15 days of publication of order of appointment.

2. Learned senior counsel for the petitioner contends that the petitioner is at serial No.1 in the waiting list and two of the candidates at serial No.5 and 7 in the merit list have since not joined despite their selection, apart from three other candidates, who have been selected in DRT and therefore, the petitioner ought to be given the benefit of selection by

moving him in the main merit list from the waiting list against the vacant slot.

3. On advance service, learned State counsel, joins proceedings and under instructions from Mr. Vijay Sharma, Joint Registrar, State Consumer Disputes Redressal Commission, Haryana states that the entire premise of filing the writ petition is factually incorrect. Both the candidates at serial Nos.5 and 7 have consented to join and have taken some extension for the needful due to certain personal reasons.

4. Heard.

5. As regards the allegation that three candidates have been selected at DRT, the same is left open to the administrative wisdom of the respondents, subject to their not joining the post in question. In case, due to their non-joining, the posts remain vacant, it is expected of the respondents to proceed in accordance with law as per the merit list/waiting list.

6. Qua the other contention of learned senior counsel that the time period to join could not have been extended, I do not find any ground to interfere on the same. It is a matter between employer and employee and depending on the mitigating circumstances, the employer has full discretion to extend the time of joining. In any case, the same does not amount to change in the selection criteria as has been contended by the learned senior counsel. No grounds to interfere on that score either.

7. Dismissed.

March 03, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No