

Sr. No.694

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-16995-2000 (O&M)
Date of decision: 24.05.2022

Satinder Pal Singh

...Petitioner

Vs.

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to appoint the petitioner on the post of Inspector-Audit in the category of ex-serviceman BC (A).

2. Petition was admitted on 27.03.2003.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in preliminary objection of the reply, which is reproduced herein below for ready reference:-

“That the present writ petition is not maintainable as no legal or fundamental right of the petitioner has been infringed. It is submitted that the respondent No.1 i.e. Haryana Staff Selection Commission recommended the name of respondent No.3 Sh. Rameshwar Dass at Sr. No.22 in the category of Ex-Serviceman BC(A). In the advertisement for the post of Inspector (Audit), there was only one pos of Inspector (Audit) which was reserved for ex-Serviceman BC(A) category whereas the name of the petitioner was in waiting list at Sr. No.28 as the petitioner is a dependent of Ex-Serviceman BC(A).

Hence, Sh. Rameshwar Dass Ex-Serviceman BC(A) respondent No.3 was rightly appointed as Inspector (Audit) against one reserved post.

It is further submitted that the respondent No.1 has not recommended any name of Ex-serviceman General Category due to non-availability of the suitable candidates. The petitioner can't be appointed against this post as per the Haryana Govt. instructions issued vide No.2812-2GSI-76/11578 dated 5.5.1976 that if the suitable candidates for the reserved posts are not available, then the posts shall be re-advertised for the 2nd time. Even on re-advertisement, if the suitable candidates are not available, then the posts shall be advertised for 3rd time indicating therein that if the candidates belonging to the reserved category are not available, the posts shall be filled up by the candidate belonging to the General Category. In this particular case, the reserved post of Ex-Serviceman General category has not been advertised for the second time by the Haryana Staff Selection Commission i.e. respondent No.1 and as such the petitioner cannot be appointed against this post. The Haryana Govt. instructions issued vide No.2812-2GSI-76/11578 dated 5.5.1976 is attached as Annexure R-I."

5. Having heard the arguments of learned State counsel canvassed on the lines of pleadings in the return, I am in agreement with the stand taken by the respondents as aforesaid. No grounds are made out to interfere.

6. Dismissed.

24.05.2022

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No