

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-16619-1999 (O&M)

Date of decision: 10.11.2022

Naginder Pal

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. R.S.Malik, Advocate,
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 as Inspector (Audit), Cooperative Societies in light of the legal opinion rendered by the office of Advocate General, Haryana dated 29.10.2010 (Annexure P-1) and letter of respondent No.2 dated 13.07.2011 (Annexure P-2) vide which his name was recommended for appointment.

2. Petition was admitted for hearing on 21.09.2001.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 22 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, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in Para 2 and 3 of preliminary objections of written statement filed on behalf of respondent No.2 and the same reads as under:-

“2. The department sent a requisition to the Haryana Staff Selection Commission for recruitment of 22 Inspector (Audit) Cooperative Societies of different categories. The commission recommended 28 candidates (20 selected candidates and 8 in waiting list). As per the requisition, 12 Inspector (Audit)

Cooperative Societies of General Category were recommended and joined except Shri Mukesh Kumar who was at serial no. 6. His selection was rejected. As he did not fulfill the requisite experience, the name of petitioner was shown at serial no. 2 in the waiting list. It is a fact the petitioner was in the selection list at serial no. 23 and second in the waiting list in general category and Shri Nem Chand, who is at serial no. 21 and first in the waiting list of general category in the recommendation list of the Haryana Staff Selection Commission. The petitioner filed a civil writ petition no. 16619 of 1999 when the selection of respondent no. 4 Shri Mukesh Kumar was rejected by the department. The Hon'ble Court admitted the writ petition.

3. *That as per the Government. instructions, the claim of the waiting candidates remain alive only for six months. After expiry of six months, waiting list is automatically treated as cancelled. The petitioner time and again filed a representation, civil misc. application in the Hon'ble Court and served legal notice to the department for considering him for appointment. The representations/legal notice are examined considered and due reply was given to the petitioner. The department sought advice from different quarters. Since the name of the petitioner was at serial no.2 in the waiting list, hence petitioner has no right for appointment.”*

5. Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

November 10, 2022

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No