

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-24119-2016

Date of decision : 27.09.2022

Harwinder Kumar

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Harjot Singh Bedi, Advocate for respondent No.5.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders dated 24.12.2014 and 09.02.2016 (Annexures P-3 and P-5) respectively, whereby his services were terminated and his appeal filed thereagainst was dismissed.

Learned counsel for the petitioner submits that the petitioner had been duly appointed as a Salesman by the Managing Committee of the Society in its meeting held on 26.11.2014. The applications for eligible candidates had been invited and two candidates had been interviewed. The other candidate was overage and the petitioner, being eligible and suitable candidate, had been appointed as a Salesman, therefore, the services of the petitioner have been arbitrarily terminated.

Learned counsel for respondent No.5 submits that the appointment of the petitioner had been made without any advertisement. In terms of the Rules applicable to the respondents, in the event of an appointment, a Sub-committee had to be constituted for this purpose. The appointment of the

petitioner had been made by mere resolution of the Managing Committee without any recommendation by the Sub-committee.

Heard.

The petitioner had been appointed as a Salesman. There was no advertisement inviting the applications from the suitable candidates. Only two persons are stated to have applied to the post of Salesman. The other candidate being ineligible as overage, the petitioner was the only eligible candidate and he has been appointed in violation of Articles 14 and 16 of the Constitution of India without inviting applications through a proper advertisement. Therefore, I do not find any infirmity in the impugned order terminating the services of the petitioner.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 27, 2022

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