

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

CWP-21231-2018

Date of decision: 14.11.2022

Pawan Kumar

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sunil Kumar Nehra, Advocate,
For the petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing respondent No.3 to allow the petitioner to join as Heavy Vehicle Driver at Chandigarh Depot in view of the appointment letter dated 23.05.2014 (Annexure P-2) and also in view of the renewed driving licence.

2. Succinct facts first, as pleaded in the petition. Petitioner was selected on the post of Heavy Vehicle Driver by Haryana Staff Selection Commission vide Advertisement No.03/2009 in the year 2012 and name of petitioner was kept in waiting list with another candidate at Sr. No.37. After getting the waiting list re-validated from the office of Chief Secretary in the year 2013-14, petitioner was allotted Chandigarh depot. However, petitioner was not allowed to join ostensibly on the ground that heavy vehicle driving licence was

issued to him on 28.01.2014 when he was less than 20-year old, which is in violation of the Motor Vehicles Act, 1988 whereas actual date of birth of petitioner is 20.11.1982 and a small error in his driving licence, which now stands corrected vide renewed driving licence, is being made the basis to deny the rightful claim of petitioner to join as Heavy Vehicle Driver on the ground of expiry of validity of the waiting list beyond one year. Hence the petition.

3. I have heard learned counsel for the parties and gone through the case file.

4. From the pleadings itself, particularly the stand of the respondents, as stated in second last para vide letter dated 22.09.2015 (Annexure R-6), certain further information was sought from the General Manager by the Director, State Transport, Haryana, Chandigarh.

5. On a Court query, learned State counsel is unable to effectively respond as to what final decision was taken *qua* observations made therein.

6. In the premise, writ petition is disposed of with an expectation that pending inquiry to be made as per Annexure R-6, shall be concluded, and in case the result thereof is in favour of the petitioner, benefit of his age as per the eligibility condition shall be accorded to him, subject of course to the vacancy being available as on today. Further appropriate steps will be taken in case he is found meritorious.

7. Needless to say that for the period he remained out of service, he shall not be entitled to the monetary benefits. He shall be conferred only notional benefits. Since the petitioner has been sanguinely waiting for the outcome of the writ petition, if during the pendency of the writ proceedings, waiting list has expired, the same shall not be a ground to deny the benefit to the petitioner.

8. In case, there is no vacancy, he shall be adjusted against future vacancy as and when arises.

9. Disposed of accordingly.

(ARUN MONGA)
JUDGE

November 14, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No