

106.

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

CWP-19215-2022 (O&M)

Date of Decision: 30.08.2022

SANDEEP

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajat Mor, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CM-13296-CWP-2022

Application is allowed, as prayed for.

CWP-19215-2022

The petitioner herein is seeking a writ in the nature of mandamus directing the respondents to consider his date of appointment from the date his juniors/counterparts were given appointments, and also to give him all consequential benefits.

The brief facts of the case are that the petitioner participated in the selection process for the post of Male Constable, advertised vide advertisement No.8/2015, however, in the final result that was declared on 23.06.2017, he did not find his name in the list of selected candidates, despite the fact that he secured more marks than the last selected candidate in BCB category as well as General category. Aggrieved against the inaction of

the respondent-Commission, he approached this Court by way of Civil Writ Petition No.17053 of 2017, however, during the pendency of said writ petition, his claim was accepted and vide communication dated 22.12.2021, his name was recommended for appointment to the post of Male Constable. On the basis of said communication, said writ petition was disposed of vide order dated 23.12.2021 with a direction to the respondents to take follow up action on the basis of recommendations made. Thereafter, the petitioner joined on the said post on 06.02.2022 and was allotted Belt No.3/718 HAP.

The grievance of the petitioner is that because of the mistake committed by the respondent-Commission in not offering him appointment in the beginning despite the fact that he was admittedly much meritorious, which mistake was rectified by the Commission lateron, he has been deprived of the benefits which were given to his juniors/counterparts way back in 2017. He is seeking the consequential benefits from that period.

Notice of motion.

At this stage, Mr. Tapan Kumar, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

The petitioner claims that after rectification of the mistake committed by the respondent-Commission, having been given employment subsequently, he is entitled to be considered for grant of all consequential benefits which have been granted to the candidates who were appointed with same/lesser marks than the petitioner under the same recruitment drive.

The instant writ petition is disposed of with a direction that the respondents shall consider the claim of the petitioner for the benefits which have been granted to the candidates who are similarly situated, as for no fault

of the petitioner, he had been deprived of the appointment at the time when those were selected/appointed. Let the necessary exercise be completed within a period of six weeks from the date of receipt of certified copy of this order and in case, petitioner is found entitled to the relief claimed, same be accorded to him forthwith.

(JAISHREE THAKUR)
JUDGE

30.08.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No