

102

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-11524-2022 in/and
CWP-22146-2020 (O&M)
Date of Decision : 22.08.2022**

Sanjay

...Petitioner

V/S

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

CM-11524-2022

For the reasons stated, the application is allowed subject to all just exceptions. Copy of appointment letter issued by respondent No.2 is taken on record as Annexure P-14.

CWP-22146-2020

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing order dated 08.01.2020 (Annexure P-8) whereby claim of the petitioner for selection on the post of Block Co-ordinator at par with the similarly situated candidates, has been rejected.

2. Matter was first taken up for hearing on 21.12.2020 when my Learned Brother Tejinder Singh Dhindsa, J., then seized of the matter, passed the following order:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per pleadings on record petitioner had applied for the post of Block Coordinator under the Women and Child Development Department, State of Haryana and his name had been recommended for appointment along with 16 others through an outsourcing agency. Since appointment letters were not being issued, petitioner along with others filed CWP-28734- 2019 and which was disposed of on 03.10.2019 with a direction to the concerned authorities to decide their representation(s) that had already been filed.

Challenge in the instant petition is to the order dated 08.01.2020 (Annexure P-8) in terms of which claim of the candidates including the petitioner herein has been rejected on the ground that the contract of the outsourcing agency itself stood terminated on 18.09.2019.

The precise contention raised by counsel is that name of the petitioner figured in a list of recommended candidates for appointment at Annexure P-5. It is only the petitioner who has been denied appointment whereas 16 other candidates have been issued appointment letters.

Counsel is directed to place on record documents/relevant material to substantiate such assertion.

List on 25.01.2021.”

3. *Apropos*, the case was taken up for hearing on 25.01.2021, 08.03.2021 and 20.04.2021 i.e. during the intervening period of covid pandemic and ultimately the matter was taken up for hearing on 26.04.2022 after a long gap caused by intervening pandemic period, on which date, yet

again learned counsel for the petitioner did not comply with the aforesaid order dated 21.12.2020 and on being confronted by the Court qua the fallacy of the assertions contended in the petition, he sought time to place on record the appointment letters of the selected candidates and the following order was passed:-

“Learned counsel for the petitioner seeks time to place on record the appointment letters of the selected candidates in support of his assertion that though the appointees are being outsourced through contractor, but in fact the appointment letters are being issued by the office of Director, Women and Child Development Department and their services are also required to be deputed in the same very department. He further contends that despite the petitioner having been successfully selected, has not been issued appointment letter.

At his request, adjourned to 05.07.2022.”

4. At request of learned counsel for the petitioner, the matter was again adjourned on 05.07.2022 and again on 01.08.2022 to comply with order dated 26.04.2022. Today once again, when the petition is taken up for hearing, learned counsel for the petitioner submits that he has placed on record the appointment letter of candidate referred to in order dated 26.04.2022 vide Annexure P-14. However, perusal of the document Annexure P-14 reflects to the contrary as the post mentioned therein is not the one for which the petitioner is seeking claim in the present writ petition. It appears that repeated attempts have been made to mislead this Court so as to make it look like compliance of the observations quoted herein above has been made.

5. Ordinarily, such writ petition should have been dismissed with costs. However, taking a lenient view, the matter is being simpliciter dismissed. Ordered accordingly.
6. Pending civil miscellaneous application, if any, also stands disposed of.

August 22, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No