

2023:PHHC:133118
CWP-17924-1999 (O&M)
Date of Decision: 12.10.2023

Capt. Kanwaljit Singh Ghuman

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present None for the petitioner.
Mr. D.K. Singal, Addl. AG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has prayed in the writ petition as under:-

“Issue a writ of mandamus directing the respondent to appoint the petitioner as Excise and Taxation Officer or Tehsildar or Assistant Registrar Cooperative Societies by giving the benefit of reallocation with all the consequential benefits from the date of passing of the examination in the category of ex-servicemen. Issue a writ in the nature of mandamus directing the respondent to carry forward one post of Excise and Taxation Officer, two posts of Tehsildar belonging to ex-servicemen quota which remained unfilled in the year 1979 examination and give benefit thereof to the petitioner in terms of reallocation/reappointment. Issue a writ in the nature of mandamus directing the respondent to give due benefit of reservation under ex-servicemen quota in terms of the directions issued in CWP-3674-1985, titled Capt. Kanwaljit Singh and others vs. State of Punjab and others”

2. In the writ petition, the petitioner has stated that he has applied for appointment under the Punjab Civil Service (Executive Branch) and other Allied Services Examination, which took place in the year 1979, wherein, out of total advertised vacancies, thirteen vacancies were reserved for Released

Defence Personnel, out of which, only eight were recommended and five

vacancies were carried forward. Again advertisement was issued for '64' posts in the month of May, 1982, out of which, '13' posts were reserved for Released Defence Personnel. The aforesaid thirteen posts fell vacant but five vacancies which remained unfilled in 1979 were not included to the thirteen vacancies. The petitioner who had applied under Released Defence Personnel was entitled to be considered and aggrieved by the action of the respondents, the petitioner filed the writ petition before this Court, wherein, a judgment was passed in his favour on 08.04.1986. It is submitted that as per directions, the petitioner was required to be given appointment as Excise and Taxation Officer or Tehsildar, against one carry forward post of Excise and Taxation Officer and two pots of Tehsildar, but still he was appointed as Assistant Employment Officer. The petitioner joined on the said post under protest. It is further submitted that after the reallocation certain persons were appointed on the post of Excise and Taxation Officer but the petitioner was not offered the said appointment.

3. The writ petition has remained pending since long and the petitioner has not been offered appointment as Excise and Taxation Officer or Tehsildar. It is now too late in the day to consider the petitioner for appointment on a different post as he has already worked on the post which he joined under protest long back. By afflux of time, the petition has been rendered infructuous and is accordingly dismissed.

4. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

12.10.2023

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1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No