

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

121

2023:PHHC:075036

**CWP-5130-2023 (O&M)
Date of decision: 24.05.2023**

KULWINDER SINGH

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranjit Singh Kalra, Advocate
for the petitioner.

Mr. Navdeep Chhabra, Sr. DAG, Punjab
for respondent No.1 to 3 and 5 to 7.

Mr. R.K. Sharma, Advocate
for respondent No.4.

ANIL KSHETARPAL, J(Oral)

1. On 19.05.2023, the following order was passed:-

“On 23.03.2023, this Court has passed the following order:-

“Learned counsel representing the petitioner inter alia contends that the petitioner’s name figures in the list of the selected candidates recommended by the Punjab Public Service Commission for appointment under the EWS (General) category. He claims that the person who was appointed has not joined and hence, the petitioner is entitled to appointment as his counselling has taken place. He further contends that similar exercise has been undertaken by the respondent State in various other reserved categories.

Notice of motion.

At the request of the Court, Mr. Vikas Arora, AAG, Punjab, accepts notice on behalf of the respondents and prays for some time to get instructions before assisting the Court.

List on 14.04.2023, in the urgent list.”

Thereafter, the case has been adjourned repeatedly on the request of the learned State counsel. On 16.05.2023. the Chief Secretary, Punjab, was requested to examine the matter. Today, during the course of hearing, the learned State counsel has informed that though the appointment letter issued to Jatinder Singh

has been withdrawn, but the life of waiting list has expired.

The learned counsel representing the petitioner submits that the State officials have intentionally tried to frustrate the relief in the present case by seeking repeated adjournments only to take this plea.

Keeping in view the aforesaid facts, another opportunity is granted to the Chief Secretary, Punjab, to explain the conduct of the concerned officials before any further order is passed.

List on 24.05.2023 for further consideration, in the urgent list.”

2. The learned Chief Secretary, Punjab has filed an affidavit dated 24.05.2023 while disclosing as under:-

“11. That, Sh.Jatinder Singh was issued appointment letter on 21.04.2023, thereafter, he sent an e-mail dated 10.05.2023 for not joining the post. But due to present Civil Writ Petition, Sh. Jatinder Singh, the candidate whom offer of appointment was issued, had been called by the Department of Local Government vide letter dated 16.05.2023 for 17.05.2023 for verification of his antecedents as well as his email dated 10.05.2023 for not joining the post. Sh. Jatinder Singh expressed his desire to not to join this post, so, the Department of Local Government vide order dated 18.05.2023 has withdrawn the offer of Appointment to Sh. Jatinder Singh and has directed to the nodal agency to send the name of next candidate in selection list as per merit to the Department for appointment on the post of Assistant Trust Engineer. The Nodal Department shall appoint next candidate as per recommendations of Punjab Public Service Commission and as per merit. As the Administrative Secretary of Department of Local Government has directed the nodal agency to give name of next candidate in merit, so, no question of lapse of waiting period arises. Further, Department of Local Government has excluded the time of stay in Hon'ble High Court from 31.05.2022 to 27.01.2023 in any calculation.

13. That with respect to the issue it is clear that the situation cropped up due to the peculiar circumstances and both the Departments involved in the issue have acted bonafidely and as such no individual can held for the said issue.

14. That thereafter the Department of Water Resources, Punjab being the Nodal Agency has communicated vide letter dated 22.05.2023 whereby they have sent the name of the petitioner to the Department of Local Government

for appointment. The Department of Local Government has initiated the process of appointment of the petitioner by issuing the letter dated 22.05.2023 for police verification and medical examination of the petitioner. (Annexure R-1 and R-2).”

- 3. Keeping in view the aforesaid stand, no further order is required to be passed.
- 4. Disposed of accordingly.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

May 24th, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*