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

CWP-8503-2020

Date of decision : 15.03.2023

Vinay Hardeep

..... Petitioner

versus

**The Punjab State Cooperative Supply and Marketing Federation
Limited (Markfed) and another**

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. A.P.S. Maan, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

Present writ petition has been filed challenging the order dated 03.06.2020 (Annexure P-9), whereby the candidature of the petitioner stands annulled for being not eligible for the post of Deputy General Manager, Honey Plant, Jalandhar.

2. Respondent-Markfed vide public notice dated 18.03.2019 (P-2) invited applications for recruitment to various posts including one post of Deputy General Manager for Honey Plant, Jalandhar (General Category). The petitioner considered himself to be eligible, participated therein. In the recruitment test, the petitioner was placed at merit No.1. However vide impugned order, he has been held to be not eligible.

3. Counsel for the petitioner refers to the essential qualification and experience as desired by the respondents and his experience certificate dated 10.04.2009 (P-3) alongwith the clarification issued thereto dated

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08.12.2020 (P-10) issued by his erstwhile employer i.e. Packaging Solution, An ISO 9001-2008 Certified Company to assert that the petitioner despite having been fully eligible has been wrongly held to be ineligible.

4. Per contra, Mr. Maan submits that the requisite experience was in the operations of the Food Industry whereas the petitioner possessed experience not in the Food Industry but in the Food Packaging Industry. It has been asserted that the petitioner was employed as Assistant Engineer in the packaging solution unit which supplied packaging machines/equipments to fruit and vegetable processing units. Such experience gained by the petitioner cannot said to be experience in the Food Industry as required.

5. I have heard counsel for the parties and have gone through the records of the case.

6. Desired qualification and experience for the post of Deputy General Manager in question reads as under:-

“Dy. General Manager:- No, of post: 1(Gen.)

Pay Band 15600-39100 + Grade Pay 6600/-

Qualification & experience

- i) B.Tech. (Food Technology)/Mech. (Engineering) /Industrial Chemistry/Chemical Engineering or M.Sc. (Food Tech.) or equivalent. Having 3 years experience in operations of Food Industry Preference may be given to person having experience in honey processing unit.
- ii) Should have passed Matriculation standard examination of Punjabi as one of the compulsory or elective subjects from a recognized Board of institution or any other equivalent examination in Punjabi language which may be specified by the Government from time to time."
- iii) Knowledge of MS-Office is essential."

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7. The dispute relates to ‘having 03 years experience in operations of Food Industry’. The experience certificate of the petitioner as submitted by him reads as under:-

**“EXPERIENCE CERTIFICATE
TO WHOM IT MAY CONCERN**

It is certified that Mr. Vinay Hardeep S/o Sh. Hari Om resident of Vikas Nagar, Saloh Road, Opposite Krishna Tower, Nawanshahr, SBS Nagar. Worked in our company as Assistant Engineer in Production Department from 01/02/2015 to 31/03/2019.

He is a good team worker, honest and enthusiastic employee. He bears a good moral character. His professional knowledge is through. We wish him success in his future life.

Sd/-

For Packaging Solution

Authorized Signature.”

8. The clarification obtained by the petitioner dated 08.12.2020 placed on record as Annexure P-10 reads as under:-

**“Experience Certificate
TO WHOM SO EVER IT MAY CONCERN**

With reference to experience certificate issued to Mr. Vinay Hardeep S/O Sh. Hari Om vide reference number PS/CC/2791 dated 10/04/2019. It is further informed and certified that Sh. Vinay Hardeep was assigned various duties as under:

1. For installation of machinery in food processing industries.
2. For trial runs after installation of machinery.

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3. For repair and maintenance of machinery installed at various food factories.

4. To attend complaints regarding machinery in food industries.

5. Regarding capacity utilization.

Thanks & Regards

For, Packaging Solution

sd/-
Proprietor”

9. Thus, the fact remains that the petitioner remained employed in the unit which was dealing with manufactures and exports of food range of food and vegetable processing equipment, packaging machines for tin cans, pouches, bottles and spare parts of the machines. The said operation may be ancillary to the food industry but definitely would not relate to food industry.

10. Resultantly, this Court does not find any illegality in the action of the respondents in holding the petitioner ineligible for want of experience as desired by respondents.

11. Consequently, no ground to interfere in the present writ petition is made out and the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

15.03.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No