

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10351-2015 (O&M)

Date of Decision: 19.09.2023

NIRVAIL SINGH

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioner by way of this Writ Petition prays for issuance of directions to consider and promote the petitioner to the post of Technical Grade-I (Head Mechanic) and all consequential benefits in terms of the provisions envisaged under the Punjab Roadways (Workshop) Group-C Service Rules, 2009.

2. The petitioner participated in a selection process for appointment on the post of Technical Grade-I (Head Mechanic) conducted in the year 2011. He was placed at Sr. No.45 in the open merit list and at Sr. No.24 in the merit list in respect of general category. There were 10 posts in all, including one post for Ex-servicemen. However, as has come on record, out of these 10 posts, 9 posts were filled up, but one post earmarked for Ex-servicemen remained vacant. The petitioner has preferred this Writ Petition stating that he was already performing the duty for the last 23 years, and had a good record, thus, he should have been considered for

appointment against the said vacant post, which could not be filled from the Ex-servicemen category.

3. I have considered the submissions of the learned counsel for the petitioner.

4. Merely because the petitioner is already working with the Department on the lower post, he cannot claim appointment to a Direct Recruitment post which has fallen vacant under the Ex-servicemen quota, simply on account of his being in service. As per the merit list, he does not come within the zone of selection and is at Sr. No.24 in the general merit list. Even if Ex-servicemen post is shifted under the general category on account of remaining vacant seat, then too, the petitioner does not get the same as per his merit.

5. In view thereof, no case of granting indulgence by this Court is made out. This writ petition is dismissed accordingly.

6. Pending application(s), if any, shall stand(s) disposed of.

September 19, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*