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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20419-2016 (O&M)

Date of Decision: 12.12.2023

PARNAM SINGH

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Surmukh Singh, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner has preferred this Writ Petition with a prayer to direct the respondents to allow him to join on the post of Pendu Sehyogi Adhiyapak in terms of the appointment letter and quash the letter dated 06.06.2016 whereby the claim of the petitioner has been rejected.

2. It is submitted that the petitioner participated in the selection process for appointment on the post of Pendu Sehyogi Adhiyapak against the post meant for the SC (M&B) category. He was placed at Sr. No.35 in the merit prepared as on 15.10.2014 and was to be posted at Government Middle School, Dag, District Amritsar, but when he went for the counseling, he was not issued appointment letter on 27.11.2014. It is stated by the petitioner that there was a technical defect in the computer system at that time and he was asked that the appointment letter would be sent to his residence. However, no appointment letter was sent to his residence.

3. It is further stated that a public notice was issued on 28.05.2015 and a list of 27 selected candidates was mentioned, who had not appeared

before the Committee for counseling, and were invited to appear for counseling on 01.06.2015. The petitioner approached the respondents and informed about non-issuance of appointment order to him.

4. It was further stated that another opportunity was given to the candidates who could not appear for counseling to accept appointment upto 16.05.2016. His name was also not mentioned in the said list issued on 17.11.2015. He, therefore, submitted a representation by way of registered post on 19.01.2016 and 03.03.2016 and thereafter again on 21.04.2016 praying for allowing him to join and issuing of appointment letter. A legal notice was also sent on his behalf on 02.08.2016 whereafter the letter dated 06.06.2016 was received from the office of the respondents rejecting the claim of the petitioner and further informed that the recruitment in response to the advertisement dated 09.09.2012 had been closed. Thereafter, the present petition has been filed by the petitioner.

5. Learned counsel for petitioner submits that it is the fault of the respondents in not issuing him the appointment letter which resulted in the petitioner not being able to join at the School which was allotted to him as per his selection. On account of the fault of the respondents, the petitioner cannot be deprived of his merit for appointment as Pendu Sehyogi Adhiyapak.

6. *Per contra*, learned counsel appearing on behalf of the respondents has filed reply/counter affidavit dated 18.09.2017 of the Assistant Director, O/o Director Public Instructions (SE), Punjab, SAS Nagar who has taken a wholly different stand. It is stated that the petitioner was

allotted Government Middle School, Dang, District Amritsar at the time of counseling by the Counseling Committee on 27.11.2014, however, after choosing the station, the petitioner left the venue without collecting the appointment letter and without informing the authorities. He did not even approach the concerned School in the prescribed time. It is further stated that the petitioner is an employee in the Cooperative Bank, Hoshiarpur and was drawing more pay than offered to the Pendu Sehyogi Adhiyapak. That is why he had abandoned the offer of appointment of Pendu Sehyogi Adhiyapak as per his own convenience. Now, when the Government regularized the services of the said post of Pendu Sehyogi Adhiyapaks, the petitioner out of greed has concocted a story of not being provided an appointment letter giving reasons that there was a technical defect in the computer system. It is stated that the petitioner never communicated with the Department or approached the Department between 24.07.2014 to 19.11.2016 and it is only when he came to know that the post is going to be regularized, he has set up a claim based on wrong facts. It is also informed that as many as 5178 appointment letters were issued in December 2014, thereafter, certain posts remained vacant due to non-joining, and counseling was again held in November, 2015 and appointment letters were issued to the remaining candidates.

7. Another opportunity was also provided to the selected candidates whose names were shown in the list dated 17.11.2015 to accept appointment upto 16.05.2016. Thus, it cannot be said that the petitioner was denied appointment.

8. Learned counsel for the petitioner was asked to submit the affidavit of the petitioner with regard to the claim set up by him. In response thereto, an affidavit has been filed which is quite evasive. In the said affidavit, the petitioner reiterates that he was not provided the appointment letter, however, he does not state anything as to what he did between 27.11.2014 to 19.11.2016. It is also an admitted position that as on 27.11.2014, the petitioner was drawing salary of ₹32,403/- per month as a Clerk and has been continuously working with the Cooperative Bank, Hoshiarpur. It is informed by the learned State counsel that even as on today, the petitioner is working with the Cooperative Bank.

9. This Court has to, therefore, now examine whether the story set up by the petitioner can be accepted or not.

10. This Court finds that the petitioner was admittedly present before the counseling Committee on 27.11.2014. There were other persons too who appeared before the counseling Committee on 27.11.2014, as the same date was published for all the selected candidates. While other persons obtained their appointment letters, no plausible reason has come forward for not giving appointment letter to the petitioner alone. The submission of the petitioner that the computer system had a technical glitch is also not acceptable as other selected candidates did not raise any such grievance and all of them received their appointment letters and also joined. Those who did not join, were again given a chance and at that stage also, the petitioner did not approach either the Department or this Court. In fact, no grievance was raised by the petitioner till 2016.

11. The submission of the respondents that the petitioner, upon learning that the post is going to be regularized, took up the cause and concocted a different story and version to get the benefit of the appointment in the regularized post seems to be correct.

12. This Court is not satisfied with the submissions made by the petitioner. It is also noticed that for almost two years, he remained silent and did not claim the appointment at all.

13. In view of the aforesaid observations, this Writ Petition is devoid of merits and the same is dismissed accordingly.

14. All the pending applications in this Writ Petition stand disposed of accordingly.

December 12, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>