

CWP No. 24801 of 2016

2023:PHHC:098308

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CWP No. 24801 of 2016

Date of Decision : 01.08.2023

Surender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gopal Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner argues that in the present case, the petitioner's claim against the post of Driver as advertised on 26.10.2012, which claim was rejected even after issuing an appropriate order on the ground that the petitioner did not had a valid driving license so as to be selected and appointed on the said post. Learned counsel for the petitioner submits that though the petitioner was selected against the advertised post in the reserved category of Scheduled Castes and even the appointment order was issued on 22.01.2014 but the respondents raised an objection qua the validity of the driving license, which the petitioner was holding, which action of the department is under challenge in this petition.

Learned counsel for the petitioner submits that during the pendency of the present petition, the validity of the driving license of the petitioner has been verified by the respondents from the Government of Nagaland, wherein, the details of the license have been verified, which shows that the petitioner was fully eligible not only to be selected and appointed but also to continue in service.

Learned State counsel concedes the factum that keeping in view the affidavit dated 21.07.2023 and Annexure R-1 attached with the said affidavit, the Government of Nagaland has already verified the driving license of the petitioner to be genuine, the said report will be taken into account and appropriate order will be passed by the concerned authority with regard to the joining of the petitioner as a Driver in pursuance to selection and appointment letter dated 22.01.2014.

Let the said order be passed within a period of six weeks from today.

At this stage, learned counsel for the petitioner submits that it is a conceded fact that the petitioner was selected and appointed in the year 2014 and is waiting for joining the post for the last 09 years and that too without there being any fault upon the petitioner, hence, while allowing the petitioner to join, the respondents be directed to consider his claim with notional benefits from the date when the appointment order dated 22.01.2014 was issued with consequential benefit of seniority and pay fixation.

Learned State counsel submits that while passing appropriate order, the said prayer of the petitioner will also be taken into account and appropriate decision will be taken qua the said prayer keeping in view of the facts and circumstances of the present case.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further, at this stage.

Ordered accordingly.

August 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No