

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

122

CWP-15881-2023

Date of Decision: 22.08.2023

Ritu

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Karamveer Singh Banyana, Advocate for the petitioner

Mr. N.K. Vashisht, Senior Panel Counsel
for Union of India-respondent Nos.1 to 4
(assisted by Col. Sandeep Singh)

JAGMOHAN BANSAL, J. (Oral)

1. On 26.07.2023, the following order was passed:-

“The petitioner through instant petition under Article 226 of the Constitution of India is seeking quashing of order dated 12.07.2023 (Annexure P-5) vide which appointment of the petitioner has been cancelled after three months of joining.

Learned counsel for the petitioner inter alia contends that petitioner was issued appointment letter dated 01.04.2023 (Annexure P-4) pursuant to which she joined respondent-department on 19.04.2023 however, vide order dated 12.07.2023 (Annexure P-5) the appointment of the petitioner has been cancelled forming an opinion that actual candidate who got selected was Ritu, daughter of Ramesh whereas erroneously, letter got issued to Ritu, daughter of Pawan.

Mr. N.K. Vashist, who on advance notice is present in Court for respondent Nos.1 to 4, prays for time to seek instructions and produce the record of the petitioner as well as respondent No.5 i.e. Ritu daughter of Ramesh.

Adjourned to 22.08.2023.”

2. Mr. N.K. Vashist, learned counsel for the respondent Nos.1 to 4, during the course of hearing, submitted documents relating to appointment in question which disclose that petitioner falls in the waiting list at Serial No.2 and she was wrongly granted appointment letter.
3. Faced with this, Mr. Karamveer Singh Banyana, learned counsel for the petitioner submits that petitioner has lost three job opportunities during the intervening period and advertized posts are lying vacant with the respondent-authorities, thus, case of the petitioner may be considered sympathetically. He further submits that respondent has not paid salary for the period petitioner worked.
4. The petitioner was wrongly issued appointment letter and mistake of respondent-authorities cannot create right in favour of the petitioner, thus, appointment of the petitioner was rightly cancelled. The respondent concedes to pay salary to the petitioner.
5. In the wake of aforesaid facts and circumstances, the petition stands disposed of with a direction to respondent-authorities to release salary of the petitioner for the period she worked. Respondent-authorities are further requested to sympathetically consider case of the petitioner for appointment against a vacant post.

(JAGMOHAN BANSAL)
JUDGE

22.08.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>