

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

(207)

CWP-25336-2018

Date of decision :-10.02.2023

Priyanka

...Petitioner

Versus

High Court of Punjab and Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Atul Gaur, Advocate
Legal Aid Counsel
for the petitioner.

Ms. Divya Sharma, Advocate
for respondents No.1 and 3.

...

SUVIR SEHGAL, J (ORAL)

By way of present petition, petitioner has approached this Court for issuance of a writ in the nature of mandamus directing the respondents to re-allocate her station of posting from Gurdaspur Sessions Division to a Sessions Division near Chandigarh. Another prayer has been made for issuance of a writ in the nature of certiorari quashing letter dated 13.09.2018, Annexure P-9, issued by respondent No.3, whereby, petitioner's request for extension of time in joining the station in Gurdaspur Sessions Division on the post of Stenographer Grade-III, has been declined.

Factual matrix leading to the filing of the petition is that the petitioner applied for the post of Stenographer Grade-III, pursuant to an

employment notice dated 22.11.2017 issued by respondent No.2, whereby, 239 vacancies were advertised. Petitioner was successful in the selection process and her name figured in the final result announced on 26.07.2018, Annexure P-2. She has allotted Gurdaspur Sessions Division and by representation dated 08.08.2018, Annexure P-3, she made a request for re-allotment of the station of posting on the ground that she has a one year old child and her ailing mother-in-law, who has shifted from her ancestral place at Rohtak to Chandigarh, is staying with her. Another ground mentioned is that her husband is employed at Chandigarh, on a non-transferable job. Petitioner was issued appointment letter dated 21.08.2018, Annexure P-7, but by letter dated 01.09.2018, Annexure P-8, she requested for two months' time to join. By impugned communication dated 13.09.2018, Annexure P-9, respondent No.3 asked the petitioner to join the duties by 10.10.2018, failing which, it was made clear that it will be presumed that she is not interested in joining the duty. Petition has been opposed by respondents No.1 and 3 by filing a response.

Counsel for the petitioner has made a reference to Rule 10 of the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 (for short "the 1997 Rules"), to submit that a member of service can be transferred to any equivalent post in the State. By inviting the attention of the Court to the transfer policy dated 23.04.2018, Annexure P-10, counsel has argued that the petitioner can be transferred and posted to a station near Chandigarh. On the other hand, counsel representing respondents No.1 and 3 has submitted that the petitioner has not joined the service despite lapse of more than four years.

I have heard counsel for the parties.

Neither Rule 10 of the 1997 Rules, nor the transfer policy, Annexure P-10, can come to the aid of the petitioner. Rule 10 provides for the posting of a “member of service” and the transfer policy talks about members of Group A, B and C service. However, in so far as the petitioner is concerned, she has not joined the service, therefore, she cannot claim herself to be a member of the service. Both the arguments raised by the counsel for the petitioner, deserve to be rejected. Still further, it may be noticed that despite having been granted an extension, petitioner failed to join the service at Gurdaspur. A public employment cannot wait for a candidate more particularly when the assigned job is in a Judicial Court, the functioning of which is bound to suffer due to non-joining of a selected candidate.

On the above premise, this Court is of the view that the petition is meritless and is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

10.02.2023
Pardeep

Whether speaking/reasoned	Yes
Whether reportable	Yes