

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

**COCP-4213-2019 (O&M)
Date of decision: 28.08.2023**

Rakesh

...Petitioner

Versus

Arun Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. S. Saini, Advocate for
Mr. Jagdeep Jaswal, Advocate
for the petitioner.

Mr. Ashish Rawal, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging non-compliance of the order dated 30.08.2019, passed by this Court in CWP-10995-2019, vide which, the following directions were issued:

“17. In the premise, keeping in view my aforesaid discussion and the reasons contained therein, both the writ petitions are allowed. Impugned order/ letters dated 25.03.2019 (Annexure P-5) passed by respondent No.4, declining to correct the gender of petitioner is quashed. Respondents are directed in both the cases, to correct the gender of the petitioners in their application forms, which are in their custody. Upon said corrections, the respondents are further directed to accord the benefit of the merit of the petitioners and issue appropriate orders in case they are found fit and meritorious for appointment to the said post, in accordance with law.”

Learned counsel for the petitioner submits that the respondent, despite giving undertaking before this Court that a letter of appointment will be issued to the petitioner, has disobeyed the directions of this Court.

Learned counsel for the respondent, apart from filing the affidavit of the official concerned, has also placed on record a communication dated 18.08.2023, which reads as under:

“As per the direction of Hon'ble High Court, Chandigarh's order dated 30.08.2019 in the matter of CWP No. 10995/ 2019 Rakesh V/s UOI & others, you have been provisionally selected for the post of Constable (Executive) in RPF on the basis of overall merit position. You are hereby allotted Northern Zone based on merit as per vacancy and option exercised by you against the Employment Notification No. 01/2018 in pay matrix level 3 of 7th CPC. You will be sent for initial training at the earliest. You are here by advised to be in readiness to undergo the initial training of Constable/ RPF. Final appointment as a Constable in RPF will be subject to successful completion of training and the fulfillment of other conditions as per extant rules.”

Learned counsel for the respondent has also relied upon the acknowledgement given by the petitioner on 22.08.2022 that he has received the provisional appointment letter dated 18.08.2023.

In view of the above, the present petition is rendered infructuous.

Rule stands discharged.

The petitioner is granted liberty to avail the alternative remedy, in accordance with law, if so advised.

28.08.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No