

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:075984-DB



(105)

LPA-918-2024 (O&M)
Decided on :28.05.2024

Subhash Chander Gaba

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICELAPITA BANERJI

Present:- Mr.Paramvir Singh Doon, Advocate and
Mr. Karan Sharma, Advocate for the appellant.

Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-2255-LPA-2024

Application for condonation of delay of 5 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 5 days in filing the appeal is condoned.

CM stands disposed of.

LPA-918-2024

Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 30.01.2024, whereby five writ



petitions had been dismissed, lead case of which was **CWP No.17421 of 1999** '**Mohinder Singh Goyat Vs. State of Haryana and others**'. The present letters patent appeal arises out of **CWP No.6807 of 1999** filed by the appellant.

2. The learned Single Judge was of the opinion that the selection was made in the year 1999 by way of nomination from the candidates who had already worked with the Government of Haryana and the selected candidates had retired from service and after a period of 24 years no benefit could be granted with regard to the validity of their appointment by way of nomination. It was held that if the petitioners are entitled for the grant of compensation, they can approach the Civil Court, if any wrong was done inadvertently or intentionally and in the absence of the same the relief could not be granted.

3. Counsel for the appellant, thus, has vehemently submitted that the appellant was more meritorious and, therefore, should have been appointed in preference to the private respondents as such.

4. We are not in a position to accept the said argument. Apparently, as per the reply filed and as per the Punjab Civil Services (Executive Branch) Rules, 1930 as relied on by the appellant himself Registers are to be maintained by the Chief Secretary of the Register A-1, DROs, Tehsildars and Naib Tehsildars. Selection was to be done on the basis of the nomination made by the State Government from the list of the said officials submitted for consideration before a Committee with Chief Secretary as Chairman and two such other officials as members. The age bracket and the minimum period of service was provided. As per Rule 7(2) the name of twice the number of



vacancies of persons considered suitable for being entered in Register A-1 was sent to the Haryana Public Service Commission for recommending in order of merit and equal to the number of vacancies the most suitable persons were entered in the list for being selected as candidates for entry into Register A-1.

5. It is the own case of the appellant that 120 candidates who were duly eligible were recommended before the Selection Committee headed by Chief Secretary. Eight candidates were apparently identified against four posts which would be clear from the written statement as such and in pursuance of the record and the Selection Committee in its meeting dated 30.04.1999 kept in mind the available service record and potentiality for the job. Thus, more suitable persons in order of merit were accordingly given the benefit of appointment. In the written statement, it has also been averred that the Committee did not find the writ petitioner to be more suitable than any of the eight recommendees and, therefore, his name was not included in the list of eight candidates.

6. Nothing has been averred in the writ petition that in what manner the writ petitioner had a better suitability and in which manner he has been overlooked regarding the educational qualification, experience, service record or potentiality of the job. No comparative chart has been placed before this Court qua the comparative merit with the selected candidates and neither the State is in a position to controvert the same.

7. In such circumstances, in the absence of any material before this Court, the argument raised by counsel for the appellant is self-serving that the appellant was better placed than the private respondents, who had been



recommended. We are, thus, of the considered opinion that there is no scope as such to grant any benefit to the appellant. Resultantly, the present appeal being without any merit is hereby dismissed in *limine*.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

28.05.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No