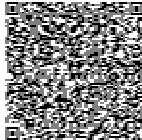


LPA-1415-2024 (O&M)

2024:PHHC:097922-DB



108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1415-2024 (O&M)
Date of Decision: August 01, 2024

AJIT PAL SINGH AND OTHERS Appellants

Versus

STATE OF PUNJAB AND ORS Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Rajinder Sharma, Advocate for the appellants.

Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. This appeal has been filed for setting aside order dated 12.01.2024 whereby CWP-770-2024 filed by appellants (writ petitioners) has been dismissed. Prayer in the writ petition was for setting aside order dated 06.09.2023 passed by respondent No. 2 rejecting objections dated 14.10.2021 filed by petitioners against provisional seniority list dated 01.10.2021. Further prayer was for setting aside clause 9 of appointment letters dated 02.11.2018 whereby petitioners were placed at the bottom of seniority list in the cadre of MLT-II.

2. Admittedly, appellants had been afforded the benefit of consideration to be appointed against unfilled vacancies of the year 2011 as well

LPA-1415-2024 (O&M)

as 140 posts of Medial Laboratory Technician advertised in 2016 as per order dated 04.09.2017 passed by Hon'ble the Supreme Court in Civil Appeal No. 11150 of 2017.

3. Present appellants sought setting aside of clause 9 of the appointment letter issued to them whereby they were placed at the bottom of seniority list in the cadre of MLT-II. Learned Single Bench while considering the facts and circumstances of the matter did not find any merit in the grounds as raised especially keeping in view order dated 04.09.2017 passed by Hon'ble the Supreme Court in Civil Appeal No. 11150 of 2017 whereby it is specifically mentioned that present appellants were not entitled to be considered for appointment to the post advertised in 2011 and that no interference is to be caused in finalization of selections thereunder pursuant to which selected candidates may have been appointed. Nevertheless respondents were directed to consider appellants according to their merit qua vacancies which remained unfilled pursuant to advertisement of 2011 due to non joining of selected candidates. In this view of the matter, it was found that no ground for interference was made out.

4. Learned counsel for appellants has vehemently argued that once Hon'ble the Supreme Court had directed consideration of present appellants qua unfilled vacancies qua advertisement of 2011, they were entitled to be placed at proper seniority, amongst the selected candidates pursuant to advertisement of 2011.

5. Having heard learned counsel for parties, we do not find any ground whatsoever to interfere in this appeal for setting aside order dated 12.01.2024.

This is so especially keeping in view the categoric directions in decision dated

LPA-1415-2024 (O&M)

04.09.2017 passed by Hon’ble the Supreme Court in Civil Appeal No. 11150 of 2017.

6. Learned counsel for appellants is unable to point out any illegality, infirmity or perversity in the impugned order dated 12.01.2024 passed by learned Single Bench.
7. This appeal is, accordingly, dismissed with no order as to costs.
8. As the matter has been considered and decided on merits, adjudication upon application seeking condonation of delay of 41 days in filing the appeal, is rendered academic.
9. Application is disposed of accordingly.
10. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

August 01, 2024
Rts

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No