



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

212+104

Date of Decision : 17.12.2024

(i)

CWP-8655-2024 (O&M)

Rohit Karwasra

.....Petitioner

V/S

State of Punjab and others

....Respondents

(ii)

CWP-8947-2024

Tarun Goyal

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Parteek Mahajan, Advocate and
Ms. Saloni Sharma, Advocate
for the petitioner in CWP-8655-2024.

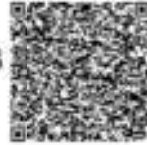
Mr. Vishal Mehta, Advocate for
Mr. Luvinder Sofat, Advocate
for the petitioner in CWP-8947-2024.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Rajeev Anand, Advocate
for the applicant in CM-13917-CWP-2024
in CWP-8655-2024.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of both the above-said writ petitions, as common question of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-8655-2024 titled as 'Rohit Karwasra Vs. State of Punjab and others'.



**CWP-8655-2024 (O&M) and
CWP-8947-2024**

2. The petitioner(s) has filed the instant writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents to declare the final result of the recruitment to 11 posts of Executive Officer Class-I and 21 posts of Executive Officer Class-II, in pursuance to the advertisement/public notice dated 01.07.2015 (Annexure P-1), in a time bound manner and for issuance of appointment letters and allow the joining of the candidates found meritorious in the said result, in accordance with law.

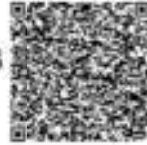
3. Notice of motion in the present case was issued on 20.04.2024 and the following order was passed :-

“xx xx xx xx xx

Learned counsel for the petitioner submits that the reasoning assigned in the impugned order dated 08.02.2024, is in teeth with the stand taken by the respondents in the letter dated 16.01.2023 (Annexure P-8, page 48 of the paperbook) and dated 03.02.2023 (Annexure P-8, page 45 of the paperbook) as well as the stand taken in the affidavit dated 28.08.2018 filed in CWP No.16331 of 2015, which reads as under:-

“3. That due to this reason, recruitment process for all posts was delayed, but now department/respondent has taken a decision to complete the recruitment process of these posts of Executive Officers, as there are no proof of leakage of these papers. Posts of Executive Officers are divided into three classes i.e. Class-I, II and III. The recruitment process of Class III Executive Officers is already complete and eligible candidates are appointed thereon. But due to the above said stay respondent department is unable to complete this recruitment process.”

Notice of motion.



**CWP-8655-2024 (O&M) and
CWP-8947-2024**

Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondents and seeks adjournment to get instructions with regard to the time in which the final selection process for the posts of Executive Officer Class-I and Executive Officer Class-II, shall be completed.

Adjourned to 07.05.2024.

To be taken up immediately after urgent list.”

4. Thereafter, on 11.07.2024, short reply by way of an affidavit of Manjit Singh, Under Secretary to Government of Punjab, Department of Local Government, Punjab, Chandigarh, on behalf of respondents No.2 & 4, was filed and learned State counsel had submitted that the matter is under process as the meetings between respondents No.1 to 5 are going on and the matter is likely to be finalized within a period of 01 month. Consequently, direction was issued to the respondents to finalize the matter within a period of 01 month and to file the status report on or before the next date of hearing.

5. Thereafter, the matter came up for hearing before this Court on 03.09.2024 and the following order was passed :-

“Learned State counsel seeks two weeks more time for compliance of the directions dated 11.07.2024 and has assured that the final decision with regard to selection process for the posts of Executive Officer Class-I and Executive Officer Class-II, shall be taken within the said period.

The necessary report/reply shall be filed well before the next date of hearing.

Adjourned to 26.09.2024.



**CWP-8655-2024 (O&M) and
CWP-8947-2024**

It is made clear that this shall be the last opportunity and no further adjournment shall be granted for the said purpose.

To be taken up immediately after urgent list.

A photocopy of this order be placed on the file of other connected case.”

6. Thereafter, on 26.09.2024, learned State counsel, on instructions from Sh. Taranjit Singh, Superintendent, Local Government had submitted that the matter with regard to the recruitment is at an advance stage and shall be finalized within a period of 01 week.

7. Thereafter, the matter was heard on 04.10.2024 and the following order was passed :-

“In terms of order dated 20.04.2024, and subsequent orders passed by this Court, an affidavit of Harpreet Singh Atwal, Deputy Secretary to the Government of Punjab, Department of Local Government, on behalf of the respondent-State, in CWP-8655-2024, has been filed in the Court which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner. In the said affidavit, it has been averred as under :-

“xx xx xx xx xx

3. *That as the matter was under reference to the Vigilance Bureau, Punjab as per an earlier query of the competent authority, so, immediately on receiving the orders of this Hon'ble Court, the matter was taken up with the Vigilance Bureau, Punjab. Department of Vigilance vide its letter dated 24.09.2024 has forwarded, the opinion of Advocate General, Punjab office to the answering department for further necessary action at our own level.*

4. *That accordingly, department has taken the permission from the Competent Authority to go ahead with the recruitment process for by declaring*



**CWP-8655-2024 (O&M) and
CWP-8947-2024**

the final result of the recruitment to 11 posts of Executive Officer Class-I and 21 posts of Executive Officer Class-II, in pursuance to the advertisement/public notice dated 01.07.2015..

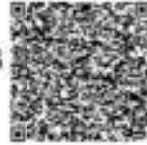
5. *That in this regard it is submitted that the answering department is required to form a committee of officers to open the sealed result of these posts for declaration of result, and then document verification process will also take some time. As the further process is being initiated after a long time, so, there may be requirement of more counselling's. Thereafter, the committee shall recommend the names to the Government for appointment. Further, appointment process shall take some time. So, a time period of two months is required to finalise the complete process of giving appointments to eligible candidates as per law and in light of orders of Hon'ble Courts.*

6. *That the respondent State has the highest regard of this Hon'ble Court and cannot think of violating any orders of the Hon'ble Court. However the time is consumed into taking the decision on approval of different authorities. As the department has decided to go ahead with the present recruitment and further process shall be completed within next two months, so, the case of the petitioner become infructuous.*

xx xx xx xx xx”

Despite grant of various opportunities, the recruitment process for the posts of Executive Officer Class-I and Executive Officer Class-II has not been finalized. In the affidavit reproduced above, it has been assured that the same shall be finalized within a period of 02 months.

In case the recruitment process for the abovesaid posts is not finalized within a period of 02 months, respondent No.1 shall appear before this Court on the next date of hearing to explain the delay in not finalizing the recruitment process.



**CWP-8655-2024 (O&M) and
CWP-8947-2024**

Adjourned to 05.12.2024.

To be taken up immediately after urgent list.

A photocopy of this order be placed on the file of other connected case.”

8. Thereafter, on 05.12.2024, the following order was passed :-

“In pursuance to the order dated 04.10.2024, learned State counsel has produced a copy of the order dated 05.12.2024 whereby, appointments to the post of Executive Officer Grade-I and Executive Officer Grade-II have been made as against 11 advertised posts of Executive Office Grade-I, 7 candidates have been appointed and as against 21 posts of Executive Officer Grade-II, 12 candidates have been appointed. No explanation is forthcoming as to why the appointments have not been made against all the advertised vacancies.

Faced with this situation, learned State counsel seeks one week time to file an affidavit of the Principal Secretary, Local Bodies Department, Punjab- respondent No.2. Let the same be filed within the stipulated time.

Adjourned to 17.12.2024.

To be heard immediately after the urgent matters.

A photocopy of this order be placed on the file of connected case.”

9. Today, during the course of hearing, an affidavit of Sh.Tejveer Singh, Additional Chief Secretary to Government of Punjab, Department of Local Government, Punjab, Chandigarh, on behalf of respondent No.2, has been filed, wherein it has been stated as under :-

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**CWP-8655-2024 (O&M) and
CWP-8947-2024**

5. *That in order to fill up the remaining vacant positions, the Department has called all the remaining eligible candidates for counselling/document verification as per merit, including the absentees of the earlier round, on 16.12.2024 and public notice dated 11.02.2024 has already been given for the same. Appointment letters to the selected candidates will be issued within a period of one week thereafter. Copy of the Public Notice is attached herewith as **Annexure R-1/T.***

10. In view of the stand taken in para 5 of the affidavit as reproduced above, let the appointment letters to the selected candidates be issued within a period of 01 week from today, as undertaken in para 5 of the abovesaid affidavit.

11. The present petitions are disposed of in the above terms. However, liberty is granted to the petitioners to revive the present petitions in case there is any violation of the undertaking given in para 5 of the affidavit.

12. Pending application, if any, shall stands disposed of accordingly

17.12.2024

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No