

2024:PHHC:019653
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

117+249	CM-1545-CWP-2024 in/and CWP-12461-2023 Date of decision: 09.02.2024
Gaurav Chamm	...Petitioner
Versus	
State of Punjab and others	...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. R.K. Arora, Advocate for the applicant-petitioner.

AMAN CHAUDHARY J.

CM-1545-CWP-2024

For the reasons mentioned in the application, the same is allowed. Replication to the written statement on behalf of respondent Nos.1 to 3 is taken on record subject to all just exceptions.

Main Case

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of certiorari/mandamus, for quashing the action of the respondents in not considering the candidature of the petitioner for appointment against unfilled posts in Ex-Serviceman (General) and Sports (General) categories by de-reserving those posts in terms of Rule 4(2) of the Punjab Recruitment of Ex Serviceman Rules, 1982.
2. Learned counsel would contend that during the pendency of the present petition, a public notice dated 05.12.2023, Annexure P-27 issued, as per which, the waiting list had been operated and next selected candidates in various subjects were offered appointment. The candidates upto merit No.36 had already been appointed, whereas those at serial Nos.37, 38 and 40 have

joined the posts relating to another selection process. However, there are still 43 posts lying vacant and only the petitioner at Serial No.41, besides one more candidate at serial No.39 are remaining. In this regard, a representation dated 16.07.2022 (Annexure P-19), has been served upon the respondent No.3, which has not yet evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to respondent No.2 to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Ms. Shivani Sharma, DAG, Punjab accepts notice on behalf of the respondents-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.2 to consider the representation dated 16.07.2022 (Annexure P-19) and decide the same within a period of 2 months and if found eligible, appointment be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

09.02.2024
Hemant

(AMAN CHAUDHARY)
JUDGE

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