

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

208

CWP-16768-2017  
Date of Decision: 03.05.2024

Sukhwinder Singh ...Petitioner

Versus

Union of India and another ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Arvind Kashyap, Advocate for the petitioner  
Dr. Parveen Hans, Senior Panel Counsel,  
for Union of India-respondents

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is setting aside of letters dated 22.02.2016 (Annexure P-5), 14.06.2016 (Annexure P-6) and communication dated 19.04.2017 (Annexure P-9) whereby his candidature has been cancelled on the ground that he did not come forward to submit his documents after revised merit list.
2. The petitioner pursuant to an advertisement applied for the post of Constable GD. He cleared written test held on 05.06.2011 and thereafter, appeared for physical test wherein he was declared successful. The respondents, as per their claim, sent him communication with respect to his selection and he was asked to submit documents, however, as per the petitioner, he did not receive communication, consequently, by last date, he could not submit documents. In this way, despite being selected, the petitioner could not get opportunity to serve respondent-Force.

3. As per the petitioner, he is staying in border area, thus, he did not get communication from the respondent whereas respondent has placed on record dispatch register disclosing that letter was dispatched to all the selected candidates including the petitioner. The letter was sent through speed post. The petitioner is unable to controvert the fact that letter was sent to him, however, he is primarily submitting that he had not received the said letter. As per Section 27 of General Clauses Act, 1897, it is presumed that a document stands served if it is sent by registered post.

4. The matter relates to selection process initiated in 2011 which was completed in 2012. A period of more than 12 years has passed away.

5. In above stated circumstances, this Court does not find it appropriate to direct the respondents to offer fresh appointment letter to the petitioner. The respondent, if finds that vacancy is available, may sympathetically consider claim of the petitioner.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)  
JUDGE

03.05.2024  
Mohit Kumar

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |