

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-25407-2018 (O&M)
Decided on :15.02.2024

Narender Kumar . .Petitioner

Versus

State Of Haryana And Others . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Gopal Soni, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner was not allowed to join on the post of Heavy Vehicle Driver , which was advertised vide advertisement No. 04/2017 dated 18.05.2017 (Annexure P-4).
2. Learned counsel for the petitioner submits that the petitioner competed for the post of Heavy Vehicle Driver and the petitioner was ultimately selected and recommended for the appointment and keeping in view the said recommendation, an appointment letter for the post in question was also issued to the petitioner by the respondents-department, but he was not allowed to join the duties on the post in question by the respondents-department and that too without any valid justification.
3. Learned counsel for the respondents submits that though the

appointment letter for the post in question was issued to the petitioner keeping in view the recommendation of the selection agency, but at the time of scrutiny of the documents submitted by the petitioner, the department perused the record from wherein, it transpires that the petitioner did not have three years of experience of driving the heavy vehicle, which was required to compete for the post in question keeping in view of the terms and conditions prescribed in the advertisement itself, hence, the petitioner was not allowed to join on the post in question.

4. At this stage, learned counsel for the petitioner further submits that as per the license which was issued to the petitioner in the year 2010 and has already been renewed in the year 2015, the petitioner has been authorized to drive the heavy motor vehicle since the year 2012 and due evidence can be produced before the respondents-authority to prove the eligibility of the petitioner to get appointment in pursuance to the recommendation of the selection agency.

5. Learned counsel for the respondents submits that in case, any such claim is raised by the petitioner in the office of respondents-department, by way of filing of a representation giving the evidence/proof of having the three years experience upto the last date of the application form, as envisaged under the advertisement, the same will be considered and decided by the authorities concerned in accordance with law within a period of **eight weeks** from the date of receipt of such representation by passing appropriate speaking order and in case, the petitioner is found eligible for grant of any relief, the same will be extended to him forthwith otherwise appropriate reasons will be mentioned in the said speaking order while deciding the said representation.

6. Learned counsel for the petitioner submits that keeping in view

the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed, at this stage, with liberty to file an appropriate representation with the authorities concerned.

7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

15.02.2024
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*