

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223 (02)

CWP-29857-2017

Decided on : February 02, 2024

RAJAN GUPTA AND ANOTHER
Versus

..... Petitioners

STATE OF PUNJAB AND ORS.

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sunny Singla, Advocate for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Aman Sharma, Advocate for respondent nos.2 to 4.

NAMIT KUMAR, J. (Oral)

The petitioners have approached this Court by way of filing the instant petition under Articles 226/227 of the Constitution of India seeking writ in the nature of *mandamus* directing the respondents to appoint them on the post of Clerk in pursuance to the Advertisement dated 27.08.2016 (Annexure P-1) w.e.f. the date of appointment of similarly situated candidates, alongwith all consequential benefits.

Learned counsel for respondent nos.2 to 4 has filed additional affidavit dated 14.11.2023 of Shri Vikas Singh, Divisional Engineer (Establishment), Punjab Water Resources Management and Development Corporation on behalf of respondent nos.2 to 4, which is taken on record, and in the said affidavit, it has been stated that the petitioner no.1 has been offered Appointment Letter dated 28.03.2023 (Annexure A-1) and he has joined on the said post on 05.04.2023, whereas petitioner no.2 was also offered Appointment Letter dated 28.03.2023 (Annexure A-2) but he has intimated vide his email dated 12.05.2023 (Annexure A-3) that he does not want to join on the said post. He submits that since the relief of appointment, as claimed in the present petition, has already been offered to the petitioners and the petitioner no.1 has joined on the claimed post, whereas petitioner no.2 has refused to join as such on the said post, therefore, no further cause of action survives in the present petition and the same has become infructuous.

Disposed of as having been rendered infructuous.

February 02, 2024
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(NAMIT KUMAR)
JUDGE

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