

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

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2024:PHHC:016669-DB

LPA-985-2022 (O & M)
Date of Decision: 07.02.2024

Bas Kaur

.....Appellant(s)

Versus

Ch. Charan Singh Haryana Agricultural University, Hisar and another

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Sanjiv Gupta, Advocate, for the appellant.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. Consideration in the present letters patent appeal, which is barred by 38 days in filing the same, is to the order passed by the Single Judge in CWP-12602-2021 on 14.07.2021 whereby, the writ petition was dismissed.

2. The relief claimed in the writ petition was to grant the consequential service benefits from the date of interview of first advertisement and the date of eligibility i.e. 02.07.2013 and 30.07.2013 when similarly situated persons were found eligible for the post of Assistant Professor (Sociology) and issued appointment letters. Challenge has, thus, been made to the order dated 24.03.2021 (Annexure P-24) on the ground that the appellant had accepted the offer and joined on individual terms.

3. The learned Single Judge, while rejecting the arguments put forth, has succinctly addressed the issue whereby the appellant was seeking retrospective appointment from the date she was called for interview at an initial point of time on 02.07.2013 since the appointment order was only issued on 27.05.2019 (Annexure P-22). It was noticed that the process of selection was

decided on 07.03.2019 (Annexured P-21) and in the absence of any Rule, the claim of the appellant cannot be considered or accepted.

4. Mr. Gupta has tried to convince us on the strength of an appointment order placed on record by way of additional evidence wherein, an Assistant Scientist as such was granted the benefit of notional appointment from 12.07.2014 as per the appointment letter dated 30.10.2020 (Annexure A-1).

5. Apparently, the appellant was a single candidate short-listed for interview of Assistant Professor in Sociology and had been called for interview in pursuance of Advertisement No.1 of 2012. Having not been appointed, she had filed the abovesaid writ petition i.e. CWP-19971-2013 seeking consideration. At that time, the Single Judge as such had directed that she be called for interview and in case she is found fit and meritorious, her case may be proceeded in accordance with law. No such direction was given at that point of time also that she was entitled for any benefits as such from the date when she had been initially called for interview, which is now projected. The principle of *res judicata* would also come into play. The said judgment was never challenged. The appointment was given on 27.05.2019 (Annexure P-22). The appellant was, thus, borne on the cadre for the first time on the joining in pursuance of the said appointment. The claim for retrospective seniority would be alien as such to the principles of service law as the appellant had only a right of consideration and no absolute right of appointment.

6. Accordingly, finding no merit in the present appeal, the same stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

07.02.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking
Whether reportable
Shivani Gupta
2024.02.12 15:52

Yes
No