

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-30191-2019
Date of Decision: 04.03.2024

B.S. Bajwa ...Petitioner

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Petitioner in person
Mr. Sudhir Nar, Senior Panel Counsel,
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of interview-cum-selection process held on 14.02.2019 for the post of officer in-charge, ECHS Polyclinic, Mohali.
2. The claim of the petitioner is that he was found at No.1 in the merit list still he was not selected for the post on account of illegal act and omissions of the respondents. He fairly concedes that at present he is overage and cannot be considered for the post.
3. The petitioner, faced with the situation that he cannot be permitted to work because he is already overage, submits that some amount of

compensation should be awarded because he was not at fault and he was deprived to work on account of lapse on the part of respondents.

4. Learned counsel for the respondents submits that there was no lapse on the part of respondents and petitioner, at present, is overage. This Court even if accepts contention of the petitioner cannot determine amount of claim, if any.

5. The respondent, at this belated stage, cannot be asked to avail service of the petitioner who at present is overage. The question whether petitioner was rightly denied opportunity to serve and if he was wrongly denied the said opportunity, whether he is entitled to compensation or not and what would be amount of compensation, are disputed questions of fact which cannot be determined by this Court while invoking its writ jurisdiction under Article 226/227 of the Constitution of India. Accordingly, the present petition stands disposed of with liberty to the petitioner to avail remedies as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

04.03.2024
Manoj

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