



LPA No. 1299 of 2017 (O&M) 1

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

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**LPA No. 1299 of 2017 (O&M)
Date of Decision:26.05.2025**

Union of India and others

....Appellants

Versus

Kapil Dev and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. S. K. Sharma, Sr. Panel Counsel,
for the appellants.

Mr. Keshav Gupta, Advocate,
for respondent No.1.

SANJEEV PRAKASH SHARMA, J. (Oral)

CM-2798-LPA-2017

The present application has been filed under Section 5 of Limitation Act read with Section 151 CPC for condonation of delay of 282 days in filing the present appeal.

In view of the reasons mentioned in the application, the same is allowed and delay of 282 days in filing the present appeal is condoned.

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1. The appeal is restricted to the final order passed by learned Single Judge where learned Single Judge has, while allowing the writ petition, held the petitioner to be entitled to all service benefits at par with other candidates who were appointed, alongwith arrears of salary for the intervening period.

2. Learned counsel for the appellants submits that withholding of appointment of respondent No.1 was on certain grounds which have been held to be not acceptable by the learned Single Judge. In the circumstances, there was no occasion to give actual arrears of salary for the intervening period when respondent No.1 had not been appointed.

3. Learned counsel for respondent No.1 submits that once respondent No.1 has been denied appointment and the Court has reached to the conclusion that the denial was wrongful then respondent No.1 deserves to be given actual benefits.

4. We have considered the submissions.

5. The ground for denial of appointment was that respondent No.1 had not signed the application form in terms of the conditions laid down in the advertisement. The objection was with regard to the signature of respondent No.1 which were mentioned in capital as well as small letters. Learned Single Judge has found the said action to be unjustified. If a denial of appointment is based on some reasons, which may be found to be unjustified by the Court, it cannot be said that the concerned denial was illegal. It may be unjustified and the Court may take a view directing the

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concerned candidate to be considered for appointment. In the circumstances, the principle of no work no pay would apply.

6. We, therefore, modify the order passed by the learned Single Judge while holding the respondent No.1 to be entitled to be considered for appointment. The directions for appointment and to be entitled for service benefits notionally, we set aside the order granting actual benefits of arrears of salary. The petitioner would be entitled for his seniority as per his merit.

7. The appeal is allowed to the aforesaid extent.

8. Pending application(s), if any, also stand(s) disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

May 26, 2025
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No