



CWP-34124-2024

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

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CWP-34124-2024

Date of Decision: 14.01.2025

Dalip Kumar

...Petitioner(s)

Versus

The State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sanjay Verma, Advocate, and
Mr. Digvijay Singh Nehra, Advocate for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia*, seeking a writ of *certiorari* setting aside the order dated 17.09.2024, Annexure P-10, passed by the third respondent whereby the petitioner's appointment to the post of Apprenticeship Instructor (Group-C) in the respondent Skill Development and Industrial Training Department against advertisement 12/2019, has been cancelled.

2. It is contended by learned counsel that the petitioner was issued a letter of appointment, dated 30.07.2024, asking him to join at Government ITI (Women) Rewari within five days. The letter of appointment was actually received by him vide email dated 02.08.2024, Annexure P-11. The next day being Saturday, he sought extension of time from the Department vide email dated 03.08.2024. At that time he was working as Special Assistant in Rewari Branch of the Union Bank of India, and was required to obtain 'No Objection' and 'Relieving Certificate' from the Bank before joining service in the Department. However, his request for extension was declined and the appointment was cancelled vide the impugned order dated 17.09.2024.



3. Learned State counsel has referred to instructions received from the Department vide memo dated 13.01.2025, which is retained on case file as Annexure 'A'. She contends that despite several opportunities the petitioner did not join service in the Department. Accordingly, there was no option left except to cancel the appointment which was done in terms of the rules. Her instructions are to the following effect:

4. That on 04.04.2024, this Hon'ble Court vacated the stay in above mentioned CWP, subsequent to which the department issued letter no.6645 dated 20.04.2024, directing the petitioner to join Government Industrial Training Institute (GITI), Rewari. However, vide letter dated 26.04.2024, the petitioner requested an additional period of 15 days to join the aforesaid institute. In response thereto, the department, vide letter no.9425 dated 22.05.2024, revised the petitioner's posting from GITI, Rewari to GITI (Women), Rewari, and instructed the petitioner to join the newly designated institute within 15 days. Thereafter, the petitioner, vide letter dated 05.06. 2024, once again sought an extension of 10 days to join GITI (Women), Rewari.

5. That with reference to the petitioner's letter dated 05.06.2024, the department, vide letter dated 30.07.2024, issued instructions for the petitioner to join GITI (Women), Rewari within 05 days. However, the petitioner once again, on 03.08.2024, submitted a representation requesting an additional 15 days' time to join the institute.

6. That the aforesaid facts clearly demonstrate that the department has provided the petitioner with multiple opportunities to join the institute; however, on each occasion, the petitioner has repeatedly sought extensions of time to do so. Despite the department's consistent directions and opportunities, the petitioner has failed to comply with the prescribed timelines, thereby causing delay in joining the assigned post.



7. That it is further submitted herein that In reference to points (i) and (ii) of letter no. 01/5/2019-GS-1 dated 13.09.2019 from the Chief Secretary, Government of Haryana, General Administration Department, the following provisions are made regarding granting time for joining after the issuance of the appointment letter:

(i) In case of fresh appointment of a candidate he may be allowed the maximum period of 30 days to join his new appointment.

(ii) in case a candidate who being already in service in a Private or Government Organization/Department, is not able to join within 30 days or for bona-fide reasons, the competent authority may, where the administrative requirements permit, allow suitable extension of time which should not however exceed three months irrespective of duration of validity for waiting list.

4. Heard.

5. Apparently, on account of pending litigation before this Court and interim stay on offering appointments, the petitioner could not be appointed despite his selection for the post in question and issuance of appointment letter dated 01.12.2022. After the interim stay was vacated by this Court, the petitioner for the first time was issued the letter of appointment dated 20.04.2024, directing him to join Government Industrial Training Institute (GITI), Rewari. Since he was working as Special Assistant in the Union Bank, he had to request for additional fifteen days' time to join the Institute. Accepting the request, the Department vide letter dated 22.05.2024, revised the petitioner's posting from GITI, Rewari to GITI (Women), Rewari, but he again sought extension of ten days' time to join service. The request was again accepted and he was asked to join GITI (Women), Rewari, within five days vide letter dated 30.07.2024. It has not been disputed that the said letter was



himself relieved from the Bank for joining the Department. Still the request for further extension of time was rejected and the appointment letter was cancelled by referring to government instructions, dated 13.09.2019. These are to the effect that in case a candidate is unable to join within thirty days due to being in service in a private or government organisation, or for *bona fide* reasons, suitable extension of time should be permitted to him which should not however exceed three months. The instructions do not create an absolute bar on the respondents to extend the joining time beyond this period. Besides, the respondents have themselves granted extension beyond three months, vide letter dated 30.07.2024, wherein the petitioner was permitted to join within five days though three months were over on 19.07.2024. Still further, looking at the undisputed facts on record, this Court is of the view that only on account of *bona fide* reasons, the petitioner could not join the service within the stipulated short period of five days in response to letter dated 30.07.2024.

6. In view thereof, the petition stands allowed, and the impugned order dated 17.09.2024, is set aside. The petitioner is granted two weeks' time from today to join service by reporting at the headquarters/office of the second respondent or at any other place of posting as conveyed to him. In case he fails to join within the stipulated period, the appointment shall stand cancelled.

(TRIBHUVAN DAHIYA)
JUDGE

14.01.2025
Payal

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