



LPA-567-2023 (O&M)

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

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LPA-567-2023 (O&M)

Date of decision: 21.05.2026

CHARANJIT

...APPELLANT

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Ankur Goyat, Advocate for
Mr. S.C.Jindal, Advocate for the appellant.

Mr. Raghav Goel, A.A.G., Punjab.

JASGURPREET SINGH PURI, J.

1. The present is an intra-court appeal filed by the appellant assailing the judgment dated 17.01.2023 passed by learned Single Judge in CWP-10640-2015 vide which the aforesaid civil writ petition was dismissed.

2. Learned counsel appearing on behalf of the appellant submitted that the appellant had applied for the post of Service Providing Trainers (Textile Sector) in pursuance of Advertisement of June 2013 (Annexure P-1), wherein against the category of Textile, there were total four posts in the General Category against which the appellant had applied. Apart from the general posts, there were two more posts under the reserved category and in this way, total six posts were advertised. However, the six posts were thereafter bifurcated on the basis of educational qualifications into three parts having two posts each. Vide



Annexure P-2, the appellant was in the merit list and was at serial No.5 against the category to which he was to be considered, which was having only two posts. The appellant being at serial No.5 was therefore a part of the selected candidates in the merit list. At the time of selection, the candidate in the merit list at serial No.1 did not join, but the candidate at serial No.2 has joined. The candidate at serial No.3 was found to be not eligible and candidate at serial No.4 also did not join. However, since the appellant was at serial No.5, he ought to have been considered for the aforesaid post because even among the candidates in the merit list at serial number 1 and 2, only one had joined while the other did not join and the appellant being a candidate in the waiting list, ought to have been considered to be appointed on the aforesaid post, but the same was not done. He further submitted that the rights of the appellant were therefore defeated by not considering him at that point of time for offering the appointment for the aforesaid post of Service Providing Trainers (Textile Sector).

3. Thereafter, the appellant filed a representation dated 21.05.2014 (Annexure P-3), but no action was taken by the respondent in this regard. Thereafter, the appellant had filed the writ petition bearing CWP No.10640 of 2015.

4. Learned counsel further submitted that in similar circumstances, there were two more persons, namely, Jonny Garg and Parshotam Kumar, who had also applied for the post of Service Providing Trainers for a different category, filed a separate writ petition bearing No. CWP-2747-2014 and by virtue of order dated 20.04.2017 passed by learned Single Judge in the said writ petition, they had been granted the



appointment by the State. Learned counsel further submitted that the appellant in the present case may also be considered in the light of the aforesaid judgment because the petitioners in the aforesaid writ petition were also not in the merit list but thereafter by virtue of the order passed by learned Single Judge in CWP No.2747 of 2014, they have been offered the appointment and they have joined the said post and on parity as well, the appellant is entitled for being appointed with effect from the aforesaid date.

5. On the other hand, Mr. Raghav Goel, learned Assistant Advocate General, Punjab submitted that learned Single Judge had correctly appreciated the factual position and also the legal proposition in the present case. He further submitted that admittedly, the appellant was at serial No.5 in the merit list and was to be considered against two posts of Service Providing Trainers (Textile Sector) as the candidate at serial No.1 in the merit list did not join but the candidate at serial No.2 joined. So far as the candidate at serial No.3 is concerned, he was not eligible and the candidate at serial No.4 also did not join. He also submitted that the aforesaid appointments were to be made against a project of the Government of India, which stood closed on 17.06.2014 and therefore, there was no occasion for the respondents to have considered him for the aforesaid post. He also referred to Annexure R-3, whereby it was so decided that no further action is to be taken with regard to the waiting list. In this way, neither were there any provisions for maintaining a waiting list, nor was any person on such waiting list considered for the aforesaid post, because the scheme of the Government of India itself was closed in June 2014. While referring to Paragraph No.2 of the preliminary



submissions of the reply, he submitted that the scheme was a Centrally Sponsored Scheme of Excellence under which the Service Providing Trainers were to be recruited and the same was discontinued by the Director General, Employment and Training, Government of India, New Delhi vide order dated 17.06.2014 Government of Punjab vide order dated 11.03.2015, has given approval to utilize the services of presently working Service Providing Trainers under State sponsored Craftsman Training Scheme as Craft Instructors and this decision was taken by the Government of Punjab on 26.06.2015 vide Annexure R-3 and not to fill up the vacant posts of Service Providing Trainers from the waiting lists. He also submitted that in this way, the advertised posts were abolished on the basis of the Centralized Sponsored Scheme and the Government of India itself closed the scheme on 17.06.2014. It was thereafter, vide order dated 09.11.2016 (Annexure P-7), the decision was taken by the Government of Punjab that all the posts of Service Providing Trainers which were existing were to be merged into the post of Craft Instructor. In this way, after the merger of the post of Service Providing Trainers into the post of Craft Instructor, the total number of posts of Craft Instructors were increased from 1570 to 1768 and it was so decided that the post of Service Providing Trainers shall be completely abolished from the department. Thus, the post of Service Providing Trainers stood abolished. He further submitted that once the post itself is abolished, no such direction could have been issued by learned Single Judge on the basis of some other writ petition whereby the aforesaid candidates, namely, Jonny Garg and Parshotam Kumar were appointed to the said post of which the cadre itself had been abolished.



6. Learned State counsel further submitted that the Service Providing Trainers were to be appointed for the purpose of Centralized Sponsored Scheme which stood abolished and therefore a conscious decision was taken by the State of Punjab for absorbing all those who were already working in the State Sponsored Schemes to the post of Craft Instructor and therefore, the appellant had no right for seeking any direction for being appointed to the post of Service Providing Trainers which was not in existence.

7. Learned State Counsel also submitted that so far as the aforesaid two candidates, who had been appointed by virtue of the order dated 20.04.2017 passed by learned Single Judge are concerned, the same is distinguishable because the aforesaid decision of the Government was not brought to the notice of learned Single Judge and therefore, the ground of parity was not available.

8. We have heard learned counsel for the parties.

9. The appellant had applied for the post of Service Providing Trainers (Textile Sector) in pursuance of Advertisement issued in June 2013 (Annexure P-1) and was at serial No.5 in the merit list. He was to be considered against two posts in Textile Sector against which candidate at serial No.1 did not join but candidate at serial No.2 had joined. In the meantime, a development took place whereby in June 2014, the scheme against which the aforesaid posts were advertised stood abolished and thereafter, the Government of Punjab decided to abolish the aforesaid post of Service Providing Trainers and so far as the existing Service Providing Trainers, who were still working and in service are concerned, they were



decided to be absorbed in the scheme of the State of Punjab. In this way, the basic post against which the appellant was seeking consideration stood abolished. Learned Single Judge on the aforesaid premises had dismissed the writ petition and even otherwise also, after a lapse of so many years, no such direction could have been issued.

9. So far as the argument which was raised by learned counsel for the appellant that two other persons although in a different category were appointed in pursuance of the order passed by learned Single Judge in another case are concerned, this Court is of the considered view that the same would not be of any help to the appellant because of closure of the scheme by the Government of India which was never brought to the notice of learned Single Judge of that case at the time of deciding the said writ petition.

10 In view of the aforesaid facts and circumstances, we do not find any ground for interference in the judgment dated 17.01.2023 passed by learned Single Judge and consequently, the present Letters Patent Appeal, being devoid of merit, is hereby dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

21.05.2026

Sumil Devi

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No