



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

**LPA-1211-2023 (O&M)
Date of Decision: 21.01.2026**

PARDEEP

... Appellant

VS.

STATE OF HARYANA AND OTHERS

.. Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Rajesh Bansal, Advocate
for the appellant.

Mr. Nitin Kaushal, Addl. A.G. Haryana.

Mr. Madhur Panwar, Advocate,
for respondent No.4.

ASHWANI KUMAR MISHRA, J. (ORAL)

This appeal arises out of an order passed by learned Single Judge on 22.08.2022, wherein the appellant had applied for the post mentioned under category 24, advertised vide advertisement No. 12 of 2019 dated 20.07.2019 but was declared ineligible, though he had cleared the written examination, on the ground that he was not possessed of the requisite experience. The learned Single Judge has taken note of the fact, as per which, the candidate was required to have experience in the concerned trade/field in an industrial establishment covered under the Apprenticeship Act or in a recognized technical institution for a period of two years.

The appellant has placed on record his appointment letter vide

Annexure P-4, as also the order dated 06.08.2015, whereby his services

were confirmed in M/s Jindal Stainless (Hisar) Ltd. According to the appellant, he continued to work in the organization and repeated certificates have been annexed alongwith the writ petition. The respondents, however, did not accord consideration to the appellant's claim on the ground that there was no experience certificate of the employer appended alongwith the writ petition.

Learned counsel for the appellant has invited our attention to an order passed by learned Single Judge in one of the writ petitions i.e. CWP-7260-2022 dated 08.04.2022 which reads as under:-

“Mr. Drupad Sangwan, Advocate appears on behalf of respondent No.4 and files Memo of Appearance in Court today. Same is taken on record subject to just exceptions.

Learned counsel for respondent No.4 submits that the petitioners have been working with the said respondent since the year 2016 and the petitioners are still their employees. He further submits that as per their policy they do not issue experience certificate till the employees retire or tender their resignation.

In this view of the matter, learned counsel for the State prays for time to seek instructions.

At request, adjourned to 26.05.2022.”

On the strength of the above order, it is sought to be contended that non-issuance of the experience certificate was on account of the policy of the employer and, therefore, lack of experience certificate should not have been taken as a ground to non-suit the appellant, when the appellant had otherwise brought on record enough material to show that he was appointed in the year 2014 and has continued to work thereafter.

The appellant had earlier secured a diploma from the Haryana

Polytechnic College, Sirsa. Though his initial appointment was as Diploma Engineer Trainee, he was subsequently confirmed on the post of Junior Engineer in the department of SMS Electrical Maintenance w.e.f. 01.08.2015.

Having taken note of such facts, this Court passed the following order in the main case on 20.10.2023:-

“Learned counsel for the appellant refers to appointment letter dated 04.08.2014 (Annexure P-4) whereby he has been appointed as Diploma Engineer Trainee (DET) at Hisar on 04.08.2014. He also placed on record confirmation of service letter dated 06.08.2015 (Annexure P-5), appreciation letter dated 29.04.2017 (Annexure P-6) and promotion letter dated 26.07.2019 (Annexure P-7). The confirmation letter dated 06.08.2015 (Annexure P-5), appreciation letter dated 29.04.2017 (Annexure P-6) and promotion letter dated 26.07.2019 (Annexure P-7) are the sufficient evidence to render a finding that he has requisite experience as Diploma Engineer Trainee (DET). The pay slips are merely the evidence that he has been paid by respondent No. 4 and this itself cannot be made a ground to reject his case that he does not have requisite experience.

Notice of motion.

Mr. Deepak Balyan, Additional Advocate General, Haryana accepts notice on behalf of the official respondents and seeks time to get instructions.

List on 11.01.2024.

In the meantime, selection will not be finalized.”

Vide subsequent order dated 02.02.2024, the selection process was allowed to continue but one post was kept reserved for the appellant.

Heard counsel for the parties and perused the material on record.

The only reason why appellant's claim has not been accorded consideration is that he had not been able to produce experience certificate of his two years experience. It has been clearly shown to the Court that the appellant was appointed in the year 2014 after having obtained diploma and

that he had also worked for more than 02 years. It was only on account of

the policy of the employer that an experience certificate was not issued. Once such fact is acknowledged on record, we do not find any good ground for the respondents not to consider the appellant's claim for appointment, when his appointment and continuity of service for required length are otherwise not disputed.

The reason assigned by the learned Single Judge to reject the appellant's claim is not liable to be sustained in view of the order passed by this Court on 08.04.2022 in CWP-7260-2022, which has been extracted hereinabove.

In such circumstances, we allow the present appeal and set aside the order of learned Single Judge. A direction is issued to the respondents to process the claim of the appellant for appointment against the post kept reserved under the interim order. The question as to whether the appellant fulfills the remaining eligibility conditions is left open for examination by the competent authority. In case, the appellant is appointed, the respondents shall ensure that he is placed immediately above the persons who were lower in merit to him, and notional benefits in that regard would be granted to him. However, the benefit of salary would be extended from the date of joining of the appellant. The required action in this regard will be taken within a period of two months.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

21.01.2026

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