

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

1.

CWP No.11203 of 2011
Date of Decision: 01.09.2015

Asha Rani and others

. . . .Petitioners

Versus

State of Punjab and others

. . . . Respondents

2.

CWP No.14422 of 2011

Seema Rani and another

. . . .Petitioners

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Veneet Soni, Advocate,
for the petitioners.

Mr.V. Ramswaroop, Addl. A.G. Punjab.

Mr.Kapil Aggarwal, Advocate,
for respondents No.5 & 6
(in CWP No.14422 of 2011)

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two petitions bearing **CWP No.11203 of 2011** titled as "**Asha Rani and others Vs. State of Punjab and others**" [for short 'the 1st petition'] and **CWP No.14422 of 2011** titled as "**Seema Rani and another Vs. State of Punjab and others**" [for short 'the 2nd petition'] as the question involved in both the petitions is common. However, the facts are being extracted from the 1st petition for the sake of convenience.

VIVER PAHWA
2015.09.07 13:24
I attest to the accuracy and
authenticity of this document

Respondent No.2 issued a notification dated 25.5.2010 in Newspaper 'Rozana Ajit', which read as under: -

"This department called upon for submission of applications for allotment of Ration Depots in the urban areas of Punjab State against the vacant posts. The aspirants for allotment of Ration Depots may approach the concerned District Food, Civil Supplies and Consumer Affairs Controller within 15 days from the date of publication of this notice to enquire about vacant posts and other informations."

The case set up by the petitioners is that they had filed applications on the prescribed form 'A' which were received in the office of respondent No.4 but their applications were not considered in view of a letter issued by respondent No.3 to the District Controllers, Food Civil Supplies and Consumer Affairs, Patiala, Sangrur, Ludhiana and Fatehgarh Sahib to consign such applications, filed on the prescribed form 'A', if they are not received between 25.5.2010 to 8.6.2010.

At the time of notice of motion, the allotment was not stayed but it was made subject to the outcome of the writ petition.

In the reply filed by the respondents, the same stand has been taken that a period of 15 days was fixed from the date of notice for filing the application from 25.5.2010 and the last date for filing such an application was 8.6.2010 and since the petitioners had filed their applications on 10.6.2010, therefore, their applications were not considered and were ordered to be filed.

Learned counsel for the petitioners has vehemently argued that the respondents have misread the public notice

because it has not been provided therein that the application has to be filed by the aspirants for allotment of ration depots within 15 days from the said public notice rather the language of the public notice suggests that the aspirants for allotment of ration depots can make an enquiry from the department about the vacant posts and other information. There was no such cut off date provided for the purpose of making an application for allotment of ration depot.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is definitely an error on the part of the respondents in interpreting the language of public notice dated 25.5.2010 as in the said notice only an information was given to the aspirants for the allotment of ration depots and that they may approach the concerned District Food, Civil Supplies and Consumer Affairs Controller within 15 days from the date of publication to enquire about vacant posts and other information. It is nowhere provided therein that the applications were to be filed by such aspirants between 25.5.2010 to 8.6.2010.

Thus, in view thereof, the present writ petition is hereby allowed and the impugned order dated 8.3.2011 is quashed. It is also made clear that since the allotment was made subject to the out come of the writ petition, therefore, the respondents are directed to consider the applications of the petitioners for the purpose of allotment of ration depots.

01.09.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**