

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

**CWP No.16061 of 2015
Date of decision: 06.08.2015**

Jaspal and others

... Petitioners

Vs.

The Secretary Govt. of India, Ministry of Health &
Family Welfare Department of Health and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Anirudh Kush, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Limited grievance of the petitioners in the present writ petition is that despite there being observations of the Appellate Tribunal, Panchkula and the petitioners having been submitted representation, the respondent-Management did not take them back on duty. This fact is evident from the perusal of the Annexures P-15, P-16 and P-17, i.e. correspondence exchanged between them.

It would be apt to refer to the operative part of order of the the Appellate Court, which reads thus:-

“In view of the foregoing reasons and keeping in view the ratio of law laid down in the cases cited by learned

counsels of the respondents, the appellants are at liberty to join the services and if the respondents-Management did not permit them to join their duties, even they can raise dispute and may seek pay, allowance, damages, compensation and other allowances, in accordance with law. With these directions, the appeal is disposed of. There is no order as to costs. Memo of costs be prepared. File be consigned to record room, after due compliance.”

In pursuance to the aforementioned directions, the petitioners submitted their joining report on 24.03.2014 but it has been submitted that the Management came out with a stand that the petitioners left the college after giving joining report, i.e., even did not wait for 10 minutes and left the college, therefore, the petitioners wrote another letter vide Annexure P-17, stating therein that the reasoning given vide Annexure P-16, is coined one in order to deny the relief, whereas, petitioners are always ready and willing to join as they are not gainfully employed.

For the sake of brevity, the contents of letters Annexures P-15, P-16 and P-17 are extracted herein below:-

Annexure P-15

“To

*The Principal Sir
B.R.S.Dental College
Sultanpur Barwala, Panchkula.*

Subject: Joining report.

Sir

It is submitted that I Jaspal Singh, STD Operator presented my joining report on my previous job before yourself at 10 a.m. according to order dated 18.02.2014 passed by Addl.Distt. Judge, Panchkula.

Dated 24.03.2014

Yours faithfully

sd/-

(Jaspal Singh)

S/o Sh. Bachhan Singh

Vill. Balloti, Distt. Panchkula”

Annexure P-16

BRS Institute of Medical Sciences

Sultanpur Barwala, Panchkula.

Ref. No.BRS/2014/408 OFFICE ORDER DATE 26.4.14

To

Jaspal Singh

IV Class Employee

You presented your joining report dated 24.03.2014 before principal according to order of Hon'ble Addl.Distt. Judge Panchkula in Appeal No.2134/2013. You all 4 employee left the college after giving joining report and not waited for order. After joining on 24.03.2014 you did not came present till 24.04.2014 in the office. College management failed to understand that this may presume joining or not. Just left within 10 min. for home from

college after giving joining report and till today 4 weeks you not came present in the college. What it to be said. Please answer in one week why this should be treated illegal/cancel.

Sd/-

(Principal)

*BRS Institute of Medical Sciences
Sultanpur Barwala, Panchkula.
Haryana 134118 (Haryana)."*

Annexure P-17

"To

*The Principal Sir
B.R.S.Dental College and General Hospital
Sultanpur Barwala, Post Off. Jalouli
Distt. Panchkula.*

Sir

Your letter dated 26.04.2014 received on 29.04.2014 through registered post. I submitted as under:-

The applicant was presented on 24.04.2014 for joining duty in college. You kept me in waiting for 4 hours after taking my application and after four hours you sent me back saying that next order will be conveyed to me after obtaining legal advise in the matter.

Now you have cooked up false story in order to save your self one sided for not giving joining and to make matter more confusing.

Thus, you are again requested to allow us to join duty and sent written order so that we could join our duty as per court order.

Thanking you

Dated

sd/-

*(Jaspal Singh)
S/o Sh. Bachhan Singh
Vill. Balloti, post off. Billa
Distt. Panchkula”*

keeping in view the aforementioned facts, I dispose of the present writ petition with a direction to respondent No.4 to give joining report/appointment to the petitioners, in pursuance to the directions contained in the order dated 18.02.2014, with all consequential benefits, as directed and in order to avoid uneventful joining. I further direct the Assistant Labour Commissioner to depute a Clerk or any other responsible person, as and when the petitioners appear before the Management, while submitting applications for joining.

With the aforementioned observations, writ petition stands disposed of.

**(AMIT RAWAL)
JUDGE**

August 06, 2015
savita