

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

CWP No. 17369 of 2015
Date of decision: 14.09.2015

Kiran Bala

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Munish Bhardwaj, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

In the present writ petition, the petitioner seeks for grant of deemed date of appointment to him for all service benefits including the benefit of regularization in accordance with the Punjab Government Regularization Policy dated 18.03.2011 (Annexure P-13) w.e.f. 30.12.2010 to the post of Assistant Librarian.

It is the case of the petitioner that in pursuance of an advertisement inviting applications for filling up the said post, the petitioner had applied and was not appointed whereas one Khushwant Kaur was given the appointment from 30.12.2010. The petitioner challenged the said appointment vide CWP No. 3419 of 2011 and was successful before the Single Bench of this Court on 26.07.2013 (Annexure P-2). The appointment of the said respondent in that case was quashed and a direction was issued to the official respondents to issue the appointment letter to the petitioner within a period of six weeks from the date of receipt of certified copy of this order.

The petitioner was thereafter appointed vide appointment letter

dated 21.01.2014 (Annexure P-5) on consolidated salary of ₹5,910/- per month at Government Medical College, Patiala. LPA No. 1466 of 2013 filed by Khushwant Kaur was also dismissed on 26.03.2015. In the said case, the petitioner had filed an application bearing C.M. No. 426-LPA of 2015 seeking the notional date of appointment as that of Khushwant Kaur alleging that he had given a representation dated 31.01.2014 to grant consequential benefits from 30.12.2010. The said application was allowed to be withdrawn with liberty to seek redressal of the left out grievances, if any, before an appropriate Forum. It is pertinent to mention that another application dated 07.01.2015 is also pending before the respondents regarding the same effect.

Accordingly, keeping in view the fact that the representations are still pending before the respondents, this Court is of the opinion that the said respondents can be directed to decide the said issue as to the entitlement of the petitioner on her deemed appointment from 30.12.2010 on the date Khushwant Kaur was appointed.

Accordingly, without going into the merits of the case, this Court does not feel necessary to call upon the State to file reply.

Accordingly, this writ petition is disposed of with a direction to respondent no. 2 to decide the representations dated 31.01.2014 (Annexure P-21) and 07.01.2015 (Annexure P-22) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say that in case the relief is to be denied, the order should contain reasons.

14.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE