

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

CWP No.3488-2015

Date of decision: 17.03.2015

Jaspal Singh and others

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Karan Singla, Advocate for the petitioners.

DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioners have approached this Court seeking a direction to the respondents to pay compensation to them in view of the liberty granted by the Division Bench through order dated 16.12.2014 passed in Letters Patent Appeal No. 126 of 2014.

A few facts may be noticed.

All the petitioners are retrenched employees of the respondent-Punjab State Electronic Development and Production Corporation Limited, Chandigarh. They had earlier approached this Court through CWP-12491-2000 i.e Jaspal Singh and others v. State of Punjab and others seeking absorption in other Departments/Corporations in the State of Punjab. A learned Single Judge of this Court through order dated October 07, 2013 had disposed of the writ petition filed by the petitioners by issuing the following directions:-

“ Therefore, the writ petitions are disposed of with a direction to the respondent-State of Punjab to undertake an

exercise to offer alternate employments to the petitioners keeping in view their eligibility and entitlement.

Needless to say a sympathetic approach towards the cause of the petitioners would be an expectation of the Court. Considering the lapse of time, it would be just and appropriate if some decision is taken by the respondent-State of Punjab as expeditiously as possible, preferably within a period of six months from the date of receipt of certified copy of the order. ”

The above referred decision rendered by the learned Single Judge was taken up in appeal by the State of Punjab through Letters Patent Appeal No. 126 of 2014 State of Punjab and another v. Jaspal Singh and others. The Division Bench after hearing the matter, vide order dated 16.12.2014 admitted the appeal. While admitting the appeal no interim relief was granted in view of the fact that all the petitioners (respondents in Letters Patent Appeal) had already crossed the age of superannuation and, therefore, there was no question of their absorption in other Departments/Corporations in the State of Punjab. However, the Division Bench observed that if the petitioners (respondents in Letters Patent Appeal) filed any proceedings for alternate or consequential relief including a claim for compensation on the basis of the order of the learned Single Judge, the same would be considered on merits. The Division Bench further granted liberty to the petitioners (respondents in Letters Patent Appeal) to apply for an early listing of the Letters Patent Appeal in the event all the petitioners (respondents in Letters Patent Appeal) decided the claim alternate or consequential reliefs including compensation. The order dated 16.12.2014 passed by the Division Bench is reproduced below for ready reference:-

“ *Heard.*

Admitted.

The question of granting interim relief does not arise on account of the fact that the impugned order cannot be implemented by absorbing the respondents on account of their having already reached the age of superannuation. If the respondents file any proceedings for alternate or consequential reliefs including for compensation on the basis of the impugned order the same will be considered on their own merits.

Liberty to apply for an early date in the event all the respondents adopting proceedings for alternate or consequential reliefs.”

If all the petitioners have taken a decision to claim alternate or consequential reliefs, i.e to claim compensation on the basis of the order passed by the learned Single Judge as sought for by them in the present petition, then as per the liberty granted vide order dated 16.12.2014, it would be appropriate for them to seek early hearing of the pending appeal and make such prayer in the same as made in the present writ petition.

In view of the above, the present writ petition is disposed of with liberty to the petitioners to file an appropriate application in the pending appeal referred to above.

(Deepak Sibal)
Judge

17.03.2015
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