

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

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**Civil Writ Petition No.7954 of 2015
Date of Decision:27.04.2015**

Mushtaq Ahmedpetitioner

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Vipin Mahajan, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, to quash the order dated 16.01.2014 (Annexure P8), vide which claim of the petitioner for appointment, being a Ranjit Sagar Dam oustee, has been declined on the ground that one member of the family i.e Rafiq Ahmed s/o Gulam Mohd. has already been provided employment as class IV employee.

It is averred that earlier petitioner along with others filed CWP No.16695 of 2011, and the same was disposed of vide order dated 07.09.2011 (Annexure P6), with a direction to the respondents to consider the claim of the petitioner. Respondent No.2 objected to the claim of the petitioner that Rafiq Ahmed, another member of the family has already been granted appointment. In response, Collector, Thein Dam Project, Basohli, vide letter dated 10.12.2012 (Annexure P7), clarified that petitioner and Rafiq Ahmed belonged to two different families and villages. But, despite that vide order dated

16.01.2014 (Annexure P8), respondent No.2 declined the claim of the petitioner citing the same reason. So much so, post passing of the order dated 16.01.2014 (Annexure P8), Collector, Thein Dam Project, Basohli, wrote to respondent No.2 to review the order dated 16.01.2014 (Annexure P8) as Refiq Ahmed did not belong to the family of the petitioner. It is maintained that prior to the institution of this petition, respondents were even served upon a legal notice dated 28.08.2014 (Annexure P10), but to no avail.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of with a direction to respondent No.2 to reconsider his claim, in the wake of the report dated 10.12.2012 (Annexure P7), and letter dated 10.07.2014 (Annexure P9), as set out in the notice served by the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondent No.2 to reconsider and decide the claim of the petitioner as set out in his legal notice dated 28.08.2014 (Annexure P10), strictly, in accordance with law, within a period of three months, from the date of receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

27.04.2015

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(ARUN PALLI)
JUDGE