

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

CWP No.9650 of 2015

Date of decision: 15.05.2015

Gurinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

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

ARUN PALLI J. (Oral)

Notice of motion.

Mr. Anshul Gupta, Asst. AG, Punjab, present in court, accepts notice on behalf of the respondents. As regards the nature of order, I intend to pass, no formal reply/written statement is imperative to be filed by the State at this stage.

Writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for appointment by way of direct recruitment as Supervisor/Work-mistry against the quota for children/grandchildren of freedom fighters, in terms of the Government instructions dated 23.09.2005. It is averred that grandfather of the petitioner, namely, Pritam Singh was a freedom fighter and was awarded a *Tamra Patra* by the Government of India. Pursuant to the instructions dated 03.03.1983, issued by the Government of Punjab, 2% of the

seats for the purpose of appointment by way of direct recruitment, across all the departments of the State, were reserved for the children/grandchildren of freedom fighters. However, subsequently the reservation was reduced to 1%. So much so, Government of Punjab vide letter dated 23.09.2005, issued fresh instructions to all Heads of the departments to comply with the directions as regards the reservation in Government service for the wards of freedom fighters. That being so, petitioner applied to respondent No.3 to afford him employment as Supervisor/Work-mistry in Ranjit Sagar Dam, Shahpur Kandi. Respondent No.3 forwarded the application of the petitioner for consideration to respondent No.2. But despite lapse of considerable time, the same was not heeded to. Even father of the petitioner wrote to respondent No.3 to consider the claim of the petitioner. And again in response, he wrote to respondent No.2 to consider the claim of the petitioner, if he was found eligible. But that too failed to evoke any response. That being so, father of the petitioner wrote to respondent No.2, vide letter dated 23.01.2014 (Annexure P5), seeking timely consideration of the claim of the petitioner. But with no tangible result. Eventually, vide letter dated 04.03.2014, respondent No.2 sent back the application of the petitioner to respondent No.3 with a direction that the matter be resolved at its level, as office of the Chief Engineer, Canals,

Irrigation Department, Punjab, Chandigarh, was unable to take any such decision.

Learned counsel for the petitioner submits that in the wake of the instructions dated 23.09.2005 (Annexure P2), the petitioner has a legitimate claim for appointment to a Class III post. But despite repeated representations, the claim of the petitioner continues to await consideration. He submits that let this petition, be disposed of with a direction to the respondents, to consider and decide the representation dated 23.01.2014 (Annexure P5) within a specified time.

In the wake of the position as set out above, and without expressing any opinion on merits, particularly as regards the issue of delay/limitation, if any, this petition is disposed of with a direction to the respondents, to consider and decide the claim of the petitioner, as set out in the representation dated 23.01.2014 (Annexure P5), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order. Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

May 15, 2015
Rajan

(Arun Palli)
Judge