

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**1. Civil Writ Petition No.21868 of 2013(O&M)
Date of decision: 29.2.2016**

Damodar Dutt and others ...Petitioners

Versus

State of Punjab and others ...Respondents

2. Civil Writ Petition No.22887 of 2013

Jaswinder Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

3. Civil Writ Petition No.22889 of 2013

Balbir Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

4. Civil Writ Petition No.23329 of 2013

Bhagwant Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

5. Civil Writ Petition No.24182 of 2013

Mehanga Ram and others ...Petitioners

Versus

State of Punjab and others ...Respondents

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

Present: Mr. Gurminder Singh, Senior Advocate with
Mr. M.S.Longia, Advocate(in CWP No.21868 of 2013).

Mr. Sapan Dhir, Advocate for the petitioner(s)
(in CWP Nos.22887, 22889, 23329 and 24182 of 2013).

Mr. Harsimran Singh Sethi, Addl. Advocate General, Punjab

Mr. G.S.Bal, Senior Advocate with
Mr. A.D.S.Bal, Advocate for respondents no. 4 to 8
(in CWP No.21868 of 2013).

Mr. Ramesh Goyal, Advocate.

G.S.SANDHAWALIA, J (Oral)

This order shall dispose of Civil Writ Petitions No.21868, 22887, 22889, 23329 and 24182 of 2013 as common question of facts are involved in these petitions.

The petitioners have challenged the report of the Committee dated 18.10.2012 (Annexure P/19) and order dated 7.7.2008 (Annexure P/16) whereby the objections of the petitioners have been rejected. Order dated 26.9.2013 (Annexure P/28) and consequential seniority list (Annexure P/29) issued by the department have also been challenged.

Counsels appearing on behalf of the petitioners submit that the State has constituted another committee and on account of which the petitioners do not wish to press the present petitions and pray that the same may be dismissed as withdrawn.

In Civil Misc. Application No.16036 of 2015 CWP No.21868 of 2013 reply by way affidavit of Mr. Vipin Chaudhary, PPS, Assistant Inspector General of Police, IT and Telecommunication, Punjab on behalf of respondents no.1 to 3 has been filed in Court today in which it has been deposed that if permitted by this Court, the respondent-department is ready to consider the grievance of the petitioners.

In view of the fact that the petitioners themselves are willing to withdraw the present writ petitions, this Court is not expressing any opinion on the said issue and it is open for the State to take a fresh decision, if it so desires.

Mr. Bal, learned senior counsel, has serious objection against this course of action on account of the fact that he feels that adverse orders will be passed against the private respondents without hearing them.

In such circumstances, this Court is of the opinion that if any fresh decision is to be taken, it would be appropriate if both the petitioners as well as private respondents along with other necessary affected persons are also heard before taking any fresh decision by the Committee.

It is needless to say that it will be open to both the parties to raise a challenge to the final decision of the Committee/Government.

Accordingly, without commenting upon the merits of the cases,

Civil Writ Petition No.21868 of 2013 & others connected petitions -3-

all the five present writ petitions are dismissed as withdrawn with liberty aforesaid.

A photo copy of this order be placed on the record of each connected case file.

February 29, 2016
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(G.S.SANDHAWALIA)
Judge