

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

**RA-CW-125-2016 in
CWP-18416-2015
Decided on :02.08.2016**

Deepak & others

... Petitioner

Versus

State of Punjab and others

... Respondents

(2)

**RA-CW-126-2016 in
CWP-12805-2015**

Paramjit Singh & others

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present : Mr. Puneet Jindal, Senior Advocate alongwith
Mr. Amrinderjit Singh, Advocate
for applicant-respondent No.2.

Mr. Deepankur Sharma, Advocate
for the non-applicant/petitioners
in CWP-18416-2015.

Mr. M.S. Sindhu, Advocate
for the non-applicant/petitioners
in CWP-12805-2015.

G.S. Sandhawalia, J. (Oral)

Notice in the review application was only issued regarding the limited aspect that the Corporation has proposed to held a test for the similarly situated persons in May, 2016. Notice has been issued on 29.04.2016.

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Counsel for the respondent-Corporation had, therefore, prayed that the petitioners be also directed to take part in the said test.

Today, it has been pointed out by the said senior counsel that the other set of employees for whom the test was to be held are no longer in service and no test has been held for them.

Resultantly, no directions are liable to be issued in the review applications, which otherwise has been held not to be maintainable vide order dated 29.04.2016, which reads as under:-

“Revision of the order dated 06.04.2016 has been sought.

Senior counsel for the applicant-respondent No.2 has submitted that the Division Bench had given the petitioners an opportunity to sit in the Punjabi test and, therefore, the petitioners are not entitled for another opportunity, as similarly situated persons appointed in the next year had been granted time to clear the test within a period of one year.

Vide which the order which is sought to be reviewed, the Division Bench directions have been reproduced and it has been noticed that apart from the fact that there were interim orders initially for holding of a test, the Division Bench had given liberty to this Court to decide the issue on merits.

This Court has come to a finding that the modem by which the Corporation has sought to dispense with the services of the petitioners is not appropriate and adequate opportunities should have been given to them to pass the test. Accordingly, it has been left open to the Corporation to issue show cause notice by giving the petitioners adequate opportunities to fulfill the terms and conditions within a reasonable period of time, as given to the said persons.

In such circumstances, this Court is of the opinion that there is no irregularity or illegality in the order which is sought to be

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reviewed, as the interest of the Corporation stands duly protected.
At this stage, senior counsel submits that the Corporation proposes to hold a test for the similarly situated persons in May, 2016. Therefore, petitioners may be also directed to take part in the said test.
Notice regarding this limited aspect to Mr. M.S. Sindhu and Mr. Deepankur Sharma, Advocate.
Adjourned to 06.05.2016.
Photocopy of this order be placed on the file of connected case.”

Counsel for the petitioners has submitted that the petitioners are also not being given the financial benefits, as per order dated 06.04.2016 passed in their favour. It is always open for the petitioners to take recourse to their remedies in accordance with law pertaining to the implementation of the said order.

Accordingly, the review applications are disposed of.

AUGUST 02, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No