

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

**CWP No.11306 of 2014
Date of Decision:21.02.2017**

Manpreet Singh Saini

.....Petitioner

Vs.

Union Territory, Chandigarh and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. D.R. Sharma, Advocate for the petitioner.

Mr. Kapil Kakkar, Advocate with Mr. Daman Dhir,
Advocate for respondents No.1 to 4.

Mr. Aman Chaudhary, Advocate for respondent
No.5.

SURYA KANT, J.(Oral)

The petitioner seeks quashing of order dated 7.3.2014 passed by Central Administrative Tribunal, Chandigarh Bench whereby his original application challenging the order of cancellation of his appointment as Junior Engineer (Electrical) has been dismissed.

The petitioner was appointed on the post of Junior Engineer (Electrical) in the reserve category of OBC. His appointment was cancelled by the Chandigarh Administration on the plea that the caste to which he belongs was not included in the OBC Category in UT Chandigarh at the relevant time. The petitioner challenged that order but the Tribunal has dismissed his original application.

We have heard learned counsel for the parties and find that the

controversy as to whether or not the petitioner is entitled to the benefit of reservation meant for OBC Category, has been settled in petitions decided by a Co-ordinate Bench vide judgment dated August 14, 2015 in CWP No.17735 of 2010 (Manish and others v. Union of India and others) and other connected cases. This Court in the above cited decision has held as follows:-

“Learned counsel for the U.T., Chandigarh brought to the notice of the Bench that a permanent body as contemplated in the above judgement was constituted and as per the recommendation made by the permanent body, ‘Saini’ caste has been included at S.No.65 as per the Notification issued by the Chandigarh Administration, Social Welfare Department on 26.3.2015. The copy of the said Notification was also placed on record for proper appreciation. Now the fact remains that ‘Saini’ community has been included as one of the OBC category communities as per the above Notification. It is found that only for the period from 14.9.2009 to 26.3.2015 ‘Saini’ caste was kept at bay from claiming the benefit of reservation as an OBC category in the appointments made by U.T., Chandigarh. In our considered view, the benefit of reservation to ‘Saini’ caste as interpreted by U.T., Chandigarh Administration on 23.12.2003 should have been extended upto 26.3.2015 when the permanent body took a decision to include that caste also as one of the OBC categories.”

It may be seen from the above reproduced findings given by this Court that the benefit of reservation to Saini Caste in UT Chandigarh

becomes admissible with effect from 23.12.2003 and adversely concludes the period during which the petitioner claimed the benefit of reservation or he was selected or appointed in the said reserved category.

As a result of the above discussion, the writ petition is allowed. The judgment of the Tribunal dated 7.3.2014 is set aside. The order dated 1.3.2013 passed by Chief Engineer, Engineering Department, UT Chandigarh is quashed and the petitioner is ordered to be reinstated in service with all consequential benefits including seniority except the arrears of pay.

If respondent No.5 can be adjusted against the advertised post, and if the continuation of respondent No.5 in service does not exceed the advertised post, this order shall have no effect on his appointment.

**(SURYA KANT)
JUDGE**

**(SUDIP AHLUWALIA)
JUDGE**

**21.02.2017
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No