

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

**CWP No. 20584 of 2015
Date of decision: 28.02.2017**

Baru Masih and others

.....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J. S. Gill, Advocate
for the petitioners.

Mr. L.S. Virk, Addl. AG, Punjab.

JAISHREE THAKUR. J. (Oral)

By an order dated 03.02.2017, respondent No.2 was directed to be present in Court to show cause as to why contempt proceedings be not initiated against him. Pursuant to the said order Mr. G.K. Singh, Director, Rural Development and Panchayats, Punjab presented himself in Court and filed his affidavit wherein the deponent has tendered his unconditional and unqualified apology. Apology is accepted and the proceedings are dropped as such. The affidavit was also taken on record.

The petitioners herein had preferred the instant writ petition seeking issuance of a writ in the nature of mandamus to decide the representation dated 11.05.2015 submitted by them on the basis of orders passed by this Court in ***Civil Writ Petition No. 8724 of 2015*** titled as ***Baru Masih and others vs. State of Punjab and another***. The petitioners, who are physically handicapped and suffering from the permanent disability, were working with the Department of Rural Development and Panchayats,

Government of Punjab on regular basis. Their services were terminated which led them to file the aforementioned writ petition seeking a direction for reinstatement of service and the said writ petition was allowed with all consequential benefits.

Some of the petitioners were given the benefit of reinstatement with continuity in service but the petitioners in the instant writ petition, who were also party in CWP No. 8724 of 2015, were taken back in service but the relief of reinstatement with all consequential benefits was not given to them. The appointment letter issued also read that it would be a fresh appointment. Aggrieved, they represented to the Department but no action was taken thereon which led to the filing of the instant writ petition.

Notice of motion was issued and eventually during the course of proceedings, an affidavit of the Director, Rural Development and Panchayats, Punjab has been filed in Court. A perusal of the said affidavit would reveal that fresh orders have been passed and Para-4 of the appointment letters issued on 20.10.2011 which read as *“It is also clarified that this appointment letter is being given to you afresh and this has no concern and connection with any previous service period. Therefore, any arrear/seniority claim of the any period will not be made by you”* in place thereof, *“you are again reinstated into services from the date of removing you from the services. According to the present existing rules/instructions, the appropriate benefits will be payable to you from the date of removing you from the service, up to again joining into service”, may be read over.*

In view of the fact that the State has decided to reinstate them in service from the date when they were removed as per the affidavit filed and it has been decided that appropriate benefits would be payable from the

date of removing upto the date of joining, this writ petition is rendered infructuous qua nine of the twelve petitioners. Three petitioners, who have not been given the relief as sought by them, are given liberty to challenge the order dated 27.01.2017 by which relief has been denied.

However, while disposing of this writ petition, it is made clear that the consequential relief/appropriate benefits would be released to the petitioners within a period of three months from the date of passing of this order.

With the above direction, the instant writ petition stands allowed, accordingly.

No order as to costs.

(JAISHREE THAKUR)
JUDGE

February 28, 2017
anju rani/Ansari

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>