

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

Date of decision:27.03.2017

Harsharan Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.BS Jaswal,Advocate for the petitioner

Ms.Sudeepti Sharma,DAG Punjab assisted by
Mr.Sarabjit Singh,Sr.Asstt., o/o DPI(C)Punjab

Jaswant Singh,J,(Oral).

Subordinate Staff Selection Board,Punjab vide advertisement dated 1.7.1996(P-1) invited applications to fill up posts of Lascars in the Education Department Punjab for NCC Units working under the control of DPI(Colleges)Punjab. Petitioner participated in the selection process and was selected and recommended for appointment against total 54 such selections. Appointment letter was not issued due to imposition of blanket ban on fresh recruitment by State Government vide letter dated 10.5.2002(P-2). Aggrieved against the said ban, CWP 19150/2002 was filed which was allowed by this Court vide order dated 7.11.2005(P-3) and respondent State was directed to appoint the selected and recommended candidates. State of Punjab filed SLP 3521/2006 laying challenge to the order dated

7.11.2005(P-3) passed by this Court. The said SLP was allowed by Hon'ble Supreme Court vide order dated 7.2.2007(P-4) by observing that as and when ban is relaxed petitioners would be considered first before calling for the fresh candidates by way of advertisement or otherwise. On establishment of four new NCC Units and two NCC Academies, 20 out of 54 selected candidates were appointed as Lascars in the year 2012. The remaining candidates filed CWP 1312/2012 for directing respondents to appoint them. The said writ petition was disposed of vide order dated 22.7.2014(P-5) on the basis of statement by State counsel that action to revive those posts was under process. The respondents were directed to finalize the matter within three months. Ultimately, pursuant to the directions dated 22.7.2014, Council of Ministers revived 101 posts of Lascars. Consequent upon such revival, petitioner alongwith others were issued appointment letter vide order dated 22.6.2016(P-6). Accordingly, petitioner vide joining report dated 20.7.2016 joined the post of Lascar at 1(PB)Air Sqn NCC,Jalandhar.

Government of Punjab vide notification dated 15.1.2015(P-8) ordered payment of only fixed emoluments equal to minimum of pay band of the post during two years of probation period, without any allowances, grade pay, increments etc. Subsequently vide notification dated 15.10.2015(P-9) it was decided by the Government to allow full scale of pay to those candidates who had participated in the selection process prior to issuance of notification dated 15.1.2015(P-8). Since

the petitioner is being paid emoluments in terms of notification dated 15.01.2015(P-8) despite his having participated in the selection process prior to 15.1.2015, he has filed the instant writ petition seeking a writ of certiorari seeking quashing of said condition laid down in notification dated 15.1.2015(P-8) whereby fixed emoluments,as noticed, above were ordered to be paid to selected candidates post 15.1.2015. In support reliance has been placed on judgments passed on the issue by this Court at Annexures P-10 to P-13.

Vide order dated 2.2.2017 notice of motion was issued and State counsel was directed to seek instructions.

At the time of hearing today, learned counsel for the parties concede that instant writ petition has become infructuous.

Dismissed as infructuous.

27.03.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No