

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

(1)

CWP No.4698 of 2017 (O&M)
Date of Decision: 28.03.2017

Tajinder Pal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(2)

CWP No.5197 of 2017 (O&M)

Lovedeep Singh Josan

...Petitioner

Versus

State of Punjab and others

...Respondents

(3)

CWP No.5211 of 2017 (O&M)

Satish Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H.S. Saini, Advocate
for the petitioner(s).

Mr. Pankaj Mulwani, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

By this order, this court shall dispose of above captioned three writ petitions as common question of law is involved. For brevity, facts are being taken from Civil Writ Petition No.4698 of 2017 titled as '*Tajinder Pal Singh and others vs. State of Punjab and others.*'

The petitioners in these writ petitions had participated in a selection process that was initiated for recruitment for the post of Intelligence Assistants (Constable). Being successful, appointment letter dated 31.12.2016 were issued to them, which are annexed as Annexure P-4 collectively with the writ petitions. The only grievance of the petitioners is that despite being successful in the selection process and having appointment letters in their hands, they have not been allowed to join the services.

Notice of motion was issued in the said matters.

Mr. Pankaj Mulwani, DAG Punjab, seeks time to file reply and also contends that appointment initially could not have been offered to the petitioners because Model Code of Conduct came into effect and secondly, that a bunch of writ petitions is pending in this court, pertaining to the same selection, where the eligibility criteria as fixed in the advertisement and rejection of the candidatures and qualifications, is pending consideration in

this court in Civil Writ Petition No.12 of 2017, which is now fixed for 25.04.2017.

I have heard both the counsel for the parties and this court prima facie of the view that since the appointment letters have not been withdrawn as on date, the petitioners should be entitled to join services, on the other hand, court cannot also lose sight of the fact that the selection process is also under challenge.

In view of the above, in case the petitioners are willing to give an undertaking to the Department concerned that their appointment/joining would be subject to the final disposal of the Civil Writ Petition No.12 of 2017, the petitioners may be permitted to join.

On this, Mr. Pankaj Mulwani, learned DAG Punjab, on instructions from Mr. Devinder Singh, DSP o/o Intelligence Punjab, Mohali, submits that the Department would issue necessary joining orders, if the requisite affidavit in the shape of an undertaking, in the aforesaid terms, is submitted to that effect.

In view of the above, it is directed that the petitioners will appear before respondent No.3 on 03.04.2017 along with affidavit in the shape of an undertaking, in the aforesaid terms. However, it is made clear that on being allowed to join services (subject to their furnishing affidavit in the shape of an undertaking) the petitioners herein would not be entitled to challenge their removal by claiming that they had worked and discharged duties under the orders passed by this court, in case, they do not fall in the merit list, after the decision has been rendered in Civil Writ Petition No.12 of 2017.

These writ petitions stand disposed of in the aforesaid terms.

March 28, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No