

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

LPA No.1284 of 2016 (O&M)

Date of Decision:28.02.2017

Mohinder Singh and others

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

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

Present:- Mr. Amit Sharma, Advocate for the appellants.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

SURYA KANT, J.(Oral)

This Letters Patent Appeal assails the order dated 8.9.2014 vide which writ petition of the appellants has been dismissed on a technical ground. The appellants' claim in the writ petition is that while they have been retrenched from the posts like Beldar etc., their juniors have been retained in service in violation of the principles of 'last come first go'. It further appears that some of the juniors were initially impleaded by the appellants as private respondents but their names were subsequently deleted on their request. Learned Single Judge has dismissed the appellants' writ petition observing that since they themselves have got deleted the names of private respondents, they are taken to have forgone their relief against such juniors.

Having heard learned counsel for the parties, we are unable to subscribe to the view taken by the learned Single Judge. It is not necessary

for the appellants to seek any specific relief against their juniors for the purpose of establishing that principle of 'last come first go' has been violated or that they have been retrenched in total disregard to the equality clause contained in Articles 14 and 16 of the Constitution. Suffice it would be for them to prove that juniors have been actually retained in service while dispensing with their services. Such juniors may or may not be party respondents. For the reason afore-stated, we are of the considered view that the claim of the appellants deserves to be decided on merits. The appeal is accordingly allowed. The order under appeal dated 8.9.2014 is set aside and the case is remitted to the learned Single Judge to decide the same afresh on merits. The parties are directed to appear before the learned Single Judge as per roster on 20.3.2017.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

28.02.2017

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