

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

**(I) CWP-3450-2015
Date of decision-16.01.2018**

Iqbal Singh and others ...Petitioners

Vs.

State of Punjab and others ...Respondents

**(II) CWP-10768-2015
Date of decision-16.01.2018**

Navdeep Singh and others ...Petitioners

Vs.

State of Punjab and others ...Respondents

**(III) CWP-12178-2015
Date of decision-16.01.2018**

Jagdeep Singh and another ...Petitioners

Vs.

State of Punjab and others ...Respondents

**(IV) CWP-3640-2016
Date of decision-16.01.2018**

Narinder Pal Singh and others ...Petitioners

Vs.

State of Punjab and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

**Present: Mr. H.C.Arora, Advocate for the petitioner(s)
in CWP Nos.3450 and 10768 of 2015 and 3640 of 2016.**

**Mr. Gagneshwar Walia, Advocate for the petitioner(s)
in CWP No.12178 of 2015.**

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The above notice four writ petitions under Articles 226/227 of the Constitution of India are being disposed of by this common judgment/order as the relief sought therein is the same. For brevity, the facts are being derived from CWP-3450-2015.

The petitioners seek issuance of a writ in the nature of Certiorari for quashing the order dated 28.08.2014 (Annexure P-7) whereby the services of the petitioners were terminated as Information and Public Relation Officer (IPRO) and Assistant Public Relation Officer (APRO) and they were given appointment afresh vide order of even date (Annexure P-8).

It is the case of the petitioners that they joined the services of the respondents as APROs and PROs in the year 2011. All the petitioners successfully completed their probation period. However, certain unsuccessful candidates preferred CWP-15645-2011, titled as Kultar Singh Vs. State of Punjab and others, which was decided on 30.01.2014 (Annexure P-4), while observing that the act of the respondents in awarding five additional marks to those candidates who had passed their middle and matriculation examination from the countryside schools was unconstitutional and therefore, the selection of Information and Public Relations Officers was set aside. The respondent authorities were directed to recast the select list after excluding 5 additional marks, as noticed above and offer appointment to the candidates whose names figure in the fresh select list. Against the said judgment (Annexure P-4), the affected

candidates preferred LPAs which were dismissed by a Division Bench of this Court on 13.08.2014 (Annexure P-6). The names of the petitioners also figured in the second select list and they were given fresh appointment letters vide order Annexure P-8, after terminating their earlier services vide impugned order Annexure P-7.

The grouse of the petitioners is that the issuance of orders of termination as well as the orders of fresh appointment have caused serious prejudice to them as they already stood confirmed in their post on successful completion of their probation period and had also been granted annual graded increments. Learned counsel have vehemently argued that the names of the petitioners figure in the initial merit list (on the basis of which they were appointed) and the re-cast merit list. Therefore, issuance of orders of termination as well as the order of fresh appointment was absolutely unnecessary, which has resulted into grave injustice to the petitioners.

On the other hand, learned State counsel has argued that the exercise to re-cast the merit list was done in compliance of the orders passed by this Court. The entire selection of Information and Public Relations Officer made on the basis of initial select list was set aside by this Court vide judgment/order Annexure P-4, therefore, the claim of the petitioners is unfounded.

I have heard learned counsel for the parties and perused the case file.

It is not in dispute that the names of the petitioners herein figure in the initial select list and accordingly, they joined and continued to serve

the respondents till 28.08.2014, when their services were terminated vide Annexure P-7. Some of the petitioners were not even beneficiaries of '5 additional marks' and all of them figured in the re-cast select list. The petitioners were not party to Kultar Singh's case either. Therefore, the decision in Kultar Singh's case ought not have been applied to the disadvantage of the petitioners inasmuch as they have been made to lose any/all benefits which may accrue to them on the strength of their entire past satisfactory service. Thus, the action of the respondents in terminating the services of the petitioners and re-appointing them, thereby, putting them in a disadvantageous position, is illegal, perverse and deserves to be set aside.

In view of the above discussion, the instant writ petitions are allowed; the impugned order of termination dated 28.08.2014 (Annexure P-7) is set aside; and the respondents are directed to grant the benefits of the past service rendered by the petitioners already accrued to them/which may accrue to them in future. However, their *inter se* seniority as also viz-a-viz the other finally selected candidates, of course, would be determined in accordance with the re-cast select list after inviting objections from the persons likely to be effected as a result of exercise of recasting the seniority list.

(JITENDRA CHAUHAN)
JUDGE

16.01.2018
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Whether speaking / reasoned : Yes No

Whether Reportable : Yes No