

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.2099 of 2017 & other
connected petitions
Date of decision: 22.01.2019

Kabul Singh and others.

.....Petitioners

versus

State of Punjab and another

.....Respondents

2.

CWP No.12367 of 2017(O&M)

Sourabh Kumar and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

3.

CWP No.12376 of 2017(O&M)

Kapil Garg

.....Petitioner

versus

State of Punjab and another

.....Respondents

4.

CWP No.12412 of 2017(O&M)

Kuldeep Singh Sidhu & others

.....Petitioners

versus

State of Punjab and another

.....Respondents

5.

CWP No.12427 of 2017(O&M)

Jaspal Singh & others

.....Petitioners

versus

State of Punjab and another

.....Respondents

6.

CWP No.12876 of 2017(O&M)

Kamaldeep Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents
7.

CWP No.8104 of 2017(O&M)

Rajdeep Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents
8.

CWP No.9341 of 2017(O&M)

Reagan Kumar Karkhal

.....Petitioner

versus

State of Punjab and another

.....Respondents
9.

CWP No.13017 of 2017(O&M)

Birdavinder Singh and another

.....Petitioners

versus

State of Punjab and another

.....Respondents
10.

CWP No.14001 of 2017(O&M)

Rupinder Kaur and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

11. CWP No.2198 of 2017(O&M)

Gurpreet Singh and others
.....Petitioners
versus

State of Punjab and another
.....Respondents

12. CWP No.2224 of 2017(O&M)

Radha Raman and others
.....Petitioners
versus

Punjab State Civil Supplies corp.Ltd.and others
.....Respondents

13. CWP No.2368 of 2017(O&M)

Sandip Kumar
.....Petitioner
versus

State of Punjab and another
.....Respondents

14. CWP No.2490 of 2017(O&M)

Navjot Kaur
.....Petitioner
versus

State of Punjab and another
.....Respondents

15. CWP No.3058 of 2017(O&M)

Manoj Rajpal
.....Petitioner
versus

State of Punjab and another
.....Respondents

16.	CWP No.3351 of 2017(O&M
Sandeep Kumar and others	Petitioners
versus	
State of Punjab and another	Respondents
17.	CWP No.14211 of 2017(O&M)
Amanpartap Singh	Petitioner
versus	
State of Punjab and another	Respondents
18.	CWP No.15598 of 2017(O&M)
Satinderpal Brar and another	Petitioners
versus	
State of Punjab and another	Respondents
19.	CWP No.13351 of 2017(O&M)
Pawan Sharma and others	Petitioners
versus	
State of Punjab and another	Respondents
20.	CWP No.12285 of 2017(O&M)
Maydhavi Kamboj	Petitioner
versus	
State of Punjab and another	Respondents

21.

CWP No.12317 of 2017(O&M)

Mandeep Kaur

.....Petitioner

versus

State of Punjab and another

.....Respondents

22.

CWP No.14055 of 2017(O&M)

Mukesh Singla and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S. Patwalia, Sr.Advocate with Mr. A.S. Chadha,
Advocate for the petitioner(s) (in CWP No.2099 of 2017).

Mr. Rajiv Atma Ram Sr.Advocate with
Mr.Arjun Pratap Atma Ram, Advocate
for the petitioner(s) (in CWP No.12367 of 2017).

Mr.A.P. Kaushal, Advocate for the petitioner(s)
(in CWP Nos. 15598 and 14055 of 2017).

Mr. J.S. Ghumman, Advocate for the petitioner
(in CWP No.3058 of 2017).

Mr. Sunil Toni, Advocate for the petitioner(s)
(in CWP No.14211 of 2017).

Mr. Harish Goyal, Advocate for the petitioner(s)
(in CWP No.14001 of 2017).

Ms. Neha Rana, Advocate for Mr.Puneet Gupta, Advocate
for the petitioner (s) (in CWP No.12376 of 2017).

Mr.Rohit Kaushik, Advocate for Mr.Keshav Pratap Singh,
Advocate for the petitioner(s) (in CWP Nos.8104 & 2368 of
2017).

Mr. R.K. Malik Sr.Advocate with Ms.Kanu Sharma,
Advocate for the petitioner(s) (in CWP Nos.12427 and 12412 of
2017).

Ms. Balpreet K.Sidhu, Advocate for the petitioner(s)
(in CWP No.12317 of 2017).

Mr. Rohan Markanda, Advocate for the petitioner(s)
(in CWP No.2198 of 2017).

Mr. Namit Kumar, Advocate and Mr.Alankrit Bhardwaj,
Advocate for the petitioner (s)(in CWP No.13351 of 2017).

Mr. H.K. Arora, Advocate for the petitioner(s)
(in CWP No.12285 of 2017).

Mr. Anurag Goyal, Advocate for the petitioner(s)
(in CWP No.2224 of 2017).

Ms. Sandeep Kaur Randhawa, Advocate for
Mr. Gopal Singh Nahel, Advocate for the petitioner(s)
(in CWP Nos.3351 and 13017 of 2017).

Mr. Manseerat Singh, Advocate for Mr.Jagnahar Singh,
Advocate for the petitioner(s) (in CWP No.2490 of 2017).

Ms. Bhavna Gupta, DAG, Punjab.

Mr. K.S.Sidhu, Sr. Advocate with Mr. N.G. Sharma
Advocate for respondent (PUNSUP) (in CWP Nos.2099, 14055,
2198, 8104, 12285, 2490, 3058,12367, 12376, 12412 and
12427 of 2017).

Mr. Amit Kumar Sharma, Advocate for respondent No.2
(in CWP Nos.13351 and 3351 of 2017).

Mr. T.S. Sidhu, Advocate for respondent No.2
(in CWP no.9341 of 2017).

Ms. Geeta Gulati, Advocate for respondent No.2.
(in CWP no.13017 of 2017).

Ms. Deepali Puri, Advocate for respondent/(PUNSUP)
(in CWP Nos.14001, 3058 and 12876 of 2017).

Mr. Tarun Seth, Advocate for Mr.Sumit Jain,
Advocate for respondent/PUNSUP
(in CWP No.12317 of 2017).

Ms. Gurpreet Kaur, Advocate for respondent/PUNSUP
(in CWP No.2368 of 2017).

Ms. Kashika Kaur, Advocate for Ms.Savi Nagpal

Advocate for respondent/PUNSUP (in CWP No.2490 of 2017).

Ms. Jasleen Kaur, Advocate for respondent/PUNSUP
(in CWP No.2224 of 2017).

TEJINDER SINGH DHINDSA, J.(ORAL)

The respondent-Punjab State Civil Supplies Corporation Limited (PUNSUP) had issued an advertisement in the Year 2014 for recruitment to different posts including that of Inspector Grade-I, Inspector Grade-II and Senior Assistant (Accounts). The petitioners in this bunch of petitions claiming themselves to be eligible, had applied for one or the other of the aforementioned three categories of posts and subjected themselves to a process of selection. Petitioners were duly issued appointment letters and even joined their respective posts.

The writ petitions have been filed assailing the action of the respondent Government Department/(PUNSUP) whereby in pursuance to a finding returned by a committee of four members, their appointment have been cancelled.

Stand taken on behalf of the respondents is that the selection process itself was tainted. Petitioners however assert that no opportunity of hearing/show cause notice was issued and as such there has been a clear violation of the principles of natural justice.

During the course of hearing today it has gone uncontroverted that CWP No.13834 of 2017 was filed before this Court by a candidate namely Robin Goyal and who was also selected and appointed in the same very selection process and whose appointment was also cancelled pursuant to the finding recorded by the Committee that had been constituted by the Government.

CWP No.13834 of 2017 titled as Robin Goyal Vs. State of Punjab and ors. came up for hearing before a Coordinate Bench of this Court and the following order was passed:-

CWP-13834-2017 (O&M)
Date of decision: June 23, 2017.

Robin Goyal

... Petitioner

vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Dr. Rau P.S. Girwar, Advocate for the petitioner.

Shri T.N. Sarup, Additional Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Rule. Respondent-State of Punjab waives service.

Heard forthwith with the consent of counsel for the rival parties.

In the interest of justice, the main petition is taken up for final disposal looking to the nature of controversy that is involved in the petition. It appears that large number of candidates were selected and appointed in the year 2015. It appears that thereafter the Government constituted a committee of four members to find out the alleged fraud in the matter of recruitment process of those persons. The committee came to the conclusion that fresh recruitment process will have to be undertaken and in so far as the employment of the appointees, including the petitioner is concerned, the Hon'ble Chief Minister of the State made an order (Annexure P-7) by way of office note

which reads thus: -

“It shall be inappropriate to continue with the services of the candidates whose selection has been found to be vitiated by the committee headed by Secretary vigilance. Accordingly the services of such candidates may be dispensed with without further delay after following “due legal process.””

Since the petitioner and other persons were appointed in the year 2015, there may be some semblance of right in them to have the principles of natural justice followed by the State machinery before dispensing with their services. That is why, Hon'ble the Chief Minister has directed to follow the due legal process. Since the recommendation of the committee was to undertake fresh recruitment process and obviously to dispense with the services of the persons already appointed, the Department concerned ought to have issued show cause notices to all the appointees. However, the petitioner and others have filed writ petitions in this Court and have obtained interim orders.

In my opinion, to cut short the controversy, the department concerned ought to have followed the order dated 9.5.2017 (Annexure P-7) made by Hon'ble the Chief Minister to follow the due legal process. If the department does not follow the due legal process, that is bound to lead to multiplicity of litigation. In that view of the matter, the concerned department (PUNSUP) is directed to follow the orders issued by the Hon'ble Chief Minister on 9.5.2017 by which the department was asked

to follow due legal process, means to issue show cause notice to all the candidates including the petitioner and thereafter obtain their replies and thereafter to take decision, if necessary after hearing them and upon perusing the entire record. The concerned department is therefore directed to take up the For Subsequent orders matter; issue show cause notices with necessary documents to all the appointees within a period of one month from today and call the explanation from such appointees within 15 days therefrom and thereafter take a decision within one month and communicate the same to all the appointees. In any case, the entire process shall be completed within three months from today and decision taken shall be placed before this Court for further orders. All the petitions shall be listed before this Court along with the decision taken.

In the meanwhile, in so far as the petitioner is concerned, there shall be status quo as to his services.

Rule is partly made absolute.

No costs”.

Since the issue raised in the instant petitions is identical, these bunch of petitions are disposed of in terms of order dated 23.06.2017 passed in CWP No.13834 of 2017.

**(TEJINDER SINGH DHINDSA)
JUDGE**

22.01.2019
shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No