

CM-18007-CWP-2018 in/and
CWP-22082-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-18007-CWP-2018 in/and
CWP-22082-2017
Date of Decision: May 14, 2019

Amit Kumar and others

... Petitioners

vs.

Municipal Corporation and Anr

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashok Sharma Nabhewala, Advocate
for the petitioners.

Mr. Suman Jain, Advocate
for respondent No.1.

ARUN MONGA, J.(ORAL)

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Prayer in this application is for listing the main petition on
some actual date.

On request of learned counsel for the parties, the main case is
taken up on Board today itself.

The application is, accordingly, disposed of.

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Learned counsel for the petitioners submits that the case of
the petitioners is squarely covered by a judgment rendered by Hon'ble
Supreme Court of India, in case titled as **U.T.Chandigarh and another vs.
Sampat and others** bearing Civil Appeal No. 6779 of 2009
(Annexure P-13) decided on 03.04.2014. It was after due deliberation and
after considering the said judgment that the case of the petitioners for
regularization and parity with the similarly situated employees was

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recommended, vide Administrative noting dated 13.02.2015 (Annexure P-16/A) which was provided to the petitioner under RTI. He further submits that as per the noting, the case was put up before the Special Secretary, Union Territory, Chandigarh, vide recommendation dated 23.01.2015, who forwarded the same onward for approval of the Advisor to the Administrator. The Advisor to the Administrator, in turn placed the file before Hon'ble the Governor of State of Punjab, who, in his capacity as Administrator of Union Territory, Chandigarh, granted his approval to the same.

2. Learned counsel for the petitioners further contends that yet the case of the petitioners was rejected vide impugned order dated 09.01.2017 (Annexure P-18) but the same has been done without considering the judgment of Hon'ble the Supreme Court of India, as relied upon by him as also duly noted in the administrative note-sheet dated 13.02.2015 (Annexure P-16/A), vide which their case was recommended and placed before His Excellency, the Governor, Administrator of U.T.Chandigarh.

3. There is nothing on record to controvert the said factual contentions of the learned counsel for the petitioners.

4. Though the learned counsel appearing for respondent No.1 has tried to justify the impugned order on the ground of letter dated 25.09.2014 (Annexure P-19) of the Government of India but the said letter, though prior in time, clearly has not been taken into consideration in the recommendations, as per the Administrative note-sheet of 2015 *supra*, and could not have been considered in earlier judgment dated 03.04.2014 rendered by Hon'ble the Supreme Court of India.

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5. In the premise, the writ petition is disposed of with a direction to the respondents to re-consider the case of the petitioners in the light of the recommendations *supra* as also the judgment rendered by Hon'ble Supreme Court of India in Civil Appeal No. 6779 of 2009 (Annexure P-13)

6. Let the needful be done within a period of two months from the date of receipt of certified copy of this order.

7. In the event the petitioners are found entitled to any benefits, as prayed by them in the writ petition, the same shall be disbursed to them alongwith interest @ 6% per annum within a period of two months thereafter.

May 14, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No