

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111+119)

Date of Decision: 14.08.2020

CWP no.11871 of 2020

1)

Satnam Singh and others

Versus

...Petitioners

State of Punjab and others

...Respondents

2)

CWP no.11886 of 2020

Gurjit Singh and others

Versus

...Petitioners

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Jasbir Singh Mohri, Advocate, for the petitioners

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By these two petitions filed under the provisions of Article 226/227 of the Constitution of India, the petitioners seek issuance of a writ in the nature of mandamus, directing the respondents to count their services on daily wages (as Special Police Officers-SPOs), rendered before their 'regularization', as qualifying service for the purpose of pensionary/retiral benefits.

Learned counsel for the petitioners submits that at this stage, the petitioners would be satisfied if the legal notice issued on their behalf (copy Annexure P-11 in each petitions), is decided by the respondents.

That being so, these petitions are disposed with a direction to the competent authority amongst the respondents to take a decision on the legal notice issued on behalf of the petitioners, by passing speaking orders, duly dealing with the judgments cited therein, and if the petitioners claim is not to be accepted, reasons as to how those judgments are distinguishable, shall be given in detail in the speaking orders to be passed, within a period of three months from the date of receipt of a certified copy of this order.

While doing so, the competent authority shall also take into consideration the fact that in **Joginder Singh v. State of Haryana**, 1998(1) SCT 795, sub-rules (i) and (ii) of Rule 3.17-A of the Punjab Civil Services Rules, Volume-II (as applicable to the State of Haryana), were struck down being violative of Article 14 of the Constitution of India, inasmuch as payment of only half the period of service of a person paid from contingency funds, was held to be not a sustainable provision.

The said judgment was thereafter followed by this court in **Nathi Ram v. State of Haryana**, 1999 (1) SCT 338 and **Rama Shankar v. State of Punjab**, 2015 (28) SCT 360.

Consequently, the aforesaid judgments would also be taken into consideration by the competent authority before passing speaking orders,

and reasons would be given as to how the petitioners' cases are distinguishable, on the touchstone of the ratio of those judgments.

14.08.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes