

CWP No.14861 of 2015 & connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 3rd February, 2020

CWP No.14861 of 2015 (O&M)

Harbhajan Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(2)

CWP No.15665 of 2015

Jatinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(3)

CWP No.16071 of 2015

Mukhtar Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(4)

CWP No.16672 of 2015 (O&M)

Gurnam Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(5)

CWP No.18766 of 2015

Harpal Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CWP No.14861 of 2015 & connected cases

(6)

CWP No.17607 of 2015

Chamkaur Singh & others ...Petitioners

Versus

State of Punjab & others ...Respondents

(7)

CWP No.19107 of 2015

Baj Singh & others ...Petitioners

Versus

State of Punjab & others ...Respondents

(8)

CWP No.20007 of 2015

Gian Singh & others ...Petitioners

Versus

State of Punjab & others ...Respondents

(9)

CWP No.20798 of 2015

Harjinder Singh & others ...Petitioners

Versus

State of Punjab & others ...Respondents

(10)

CWP No.20867 of 2015

Gurjit Singh & others ...Petitioners

Versus

State of Punjab & others ...Respondents

(11)

CWP No.18069 of 2015

Narinderpal Singh & others ...Petitioners

Versus

State of Punjab & others

CWP No.14861 of 2015 & connected cases

...Respondents

(12)

CWP No.21916 of 2015

Baljit Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(13)

CWP No.23800 of 2015

Chander Mohan & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(14)

CWP No.23957 of 2015

Mohinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(15)

CWP No.24479 of 2015

Manjit Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(16)

CWP No.1309 of 2016

Nirmal Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CWP No.14861 of 2015 & connected cases

(17)

CWP No.18395 of 2016

Puran Chand & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vijay Pal, Advocate, for
Mr. Parvez Chugh, Advocate
for the petitioners.

Ms. Anu Pal, DAG, Punjab.

Mr. Vikas Mohan Gupta, Advocate
for respondents No.3 and 4 in all writ petitions.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM-16371-CWP-2018 in CWP No.14861 of 2015

Prayer in this application is for recall/modification of the order dated 19.07.2018, vide which a conditional order was passed in a bunch of 17 cases i.e. if the reply is not filed within a period of four weeks from the date of order dated 19.07.2018, costs of ₹ 10,000/- in each case were to be paid.

Perusal of the various orders which have been passed, subsequent thereto, would indicate that the applicants – respondents No.1 and 2 are not the contesting respondents and in fact, the contesting respondents are respondents No.3 and 5.

In view of the above, order dated 19.07.2018 is hereby recalled as regards the costs to be paid.

Main cases

By this order, I propose to dispose of seventeen Civil Writ Petitions i.e. CWP No.14861, 15665, 16071, 16672, 18766, 17607, 19107, 20007, 20798, 20867, 18069, 21916, 23800, 23957 & 24479 of 2015 and CWP No.1309 & 18395 of 2016.

Petitioners have approached this Court with an apprehension that they are being replaced through the process of selection as has been initiated by the PUNBUS in pursuance to the advertisement dated 31.07.2014 (Annexures R-3/1 and R-3/2) appended along with the reply which has been filed by the respondents.

It is the contention of the learned counsel for the petitioners that the petitioners, who are working on contract basis through outsourcing and driving the buses of PUNBUS, are being sought to be replaced through the process of selection which has been initiated by PUNBUS for appointing the drivers directly on contract basis instead of outsourcing.

Notice having been issued by this Court, replies to the writ petitions have been filed. In CWP No.14861 of 2015, para 13 of the reply reads as follows:-

“13. That the contents of Para No.13 of the writ petition as mentioned are wrong and hence denied. It is wrong and denied that the bus drivers including the petitioners who were earlier working as driver (on contract basis pursuant to advertisement dated 18.01.2007) were forced to participate in the new selected process. It is also wrong

and denied that earlier contractual employees were being replaced through another set of contractual employees. In this aspect, it is submitted that earlier the driver including the petitioners were working on contract basis through contractor on out sourced basis. However, now in terms of advertisement of Annexure R-3/1, respondent wants to include the bus drivers on contract basis, but under their direct control. Therefore, such legal procedure was adopted. It is wrong and denied that non selection of petitioner in pursuance to new advertisement resulted in termination of their services. In this respect, it is submitted that only 87 bus drivers who either were earlier working as contract basis with answering respondent were not appointed in view of advertisement Annexure R-3/1, as these 87 drivers failed to clear practical driving test. Apart from this, other bus drivers who though cleared the practical driving test, but failed to deposit all the requisite documents required, were not considered in the final merit list, but are still working (on contract basis though contractor on outsourced basis) with answering respondent and their services till date had not been dispensed with.”

In view of the reply which has been filed especially the above reproduced paragraph, where the apprehension as has been pointed out by

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the petitioners on the basis of which they have approached this Court is found to be without any basis and rather misplaced.

As the petitioners are still continuing either with PUNBUS or through outsourcing agency as drivers, no further order/direction is required to be issued in these cases.

The writ petitions are disposed of in the light of the above.

3rd February, 2020

Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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