

(1)

CWP-1861-2016 &
CWP-1597-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1861-2016 (O&M)

Date of Decision: 09th January, 2020

Randhir Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

(2)

CWP-1597-2016 (O&M)

Malkeet Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.P.S. Sidhu, Advocate, for the petitioner(s).

Ms. Anu Pal, DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-6638-CWP-2018

Counter affidavit of the petitioner along with Annexures P-17
(colly) to P-19 (colly) is taken on record, subject to all just exceptions.

Application stands disposed of.

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By this order, I propose to dispose of two writ petitions i.e.
CWP-1861-2016, titled as 'Randhir Singh Versus State of Punjab & others'
and CWP-1597-2016, titled as 'Malkeet Singh Versus State of Punjab &
others' as the facts involved in both these writ petitions are same.

Petitioners have approached this Court challenging the order of

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rejection of their claim by the respondents on the basis of the Government Policy dated 08.11.2011 (Annexure P-1) relatable to the acquisition of the land of the owners for construction of Peona Power Plant, village Gobindpura, District Mansa, on the ground that the petitioners have not submitted their applications prior to the cut off date i.e. 31.03.2013.

Counsel for the petitioners has referred to the affidavit dated 10.08.2018 filed by the Deputy Commissioner, Mansa – respondent No.3 along with which, proceedings of the meeting dated 30.01.2013 held under the Chairmanship of the Secretary, Power at Punjab Civil Secretariat-II, Chandigarh, have been attached as Annexure R-2, wherein, decision was taken with regard to the cut off date for submission of the applications for seeking Government jobs as per the policy framed by the Government of Punjab, dated 08.11.2011 (Annexure P-1). In the said proceedings, it was decided that the Deputy Commissioner, Mansa – respondent No.3 will get published notice with reference to the cut off date for the applications to be invited for appointment in minimum three newspapers and also to get proclamation regarding the same, which exercise has not been carried out as per the stand of the petitioners.

Counsel for the respondents is unable to refer to any specific averments in the written statement or in the additional affidavit, which has been filed, which would indicate that notices were issued/published in three newspapers as mandated by the decision in the meeting dated 30.01.2013 (Annexure R-2).

If that be so, petitioners did not have any occasion to apply for the jobs as per the policy of the Government of Punjab, which has

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subsequently been amended on 03.03.2014 (Annexure P-6/A), which are actually the guidelines with reference to the initial Policy dated 08.11.2011 (Annexure P-1).

The rejection of the claim of the petitioners, therefore, merely on the ground that they had not submitted their applications prior to the cut off date i.e. 31.03.2013, cannot sustain. Rather, respondents were required to consider their claim, as projected by them in their representations, in the light of the above on merits ignoring the aspect with regard to the last date for submission of the applications.

In view of the above, these writ petitions are allowed and impugned orders dated 22.12.2014 (Annexure P-14) in both writ petitions are hereby quashed. Direction is issued to the Deputy Commissioner, Mansa, District Mansa – respondent No.3 to consider the claim of the petitioner(s) on merits as per the policy of the Government of Punjab, dated 08.11.2011 (Annexure P-1) and the guidelines dated 03.03.2014 (Annexure P-6/A) within a period of three months.

In case the claim of the petitioner(s) is found to be covered by the policy/guidelines issued by the Government of Punjab ignoring the aspect that last date of receipt of application was 31.03.2013, they be issued appointment letters forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

09th January, 2020
Harish

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