

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CWP-4249-2021 (O&M)

Date of Decision: February 23, 2021

JASPAL SINGH AND OTHERS

..... PETITIONER(s)

Versus

STATE OF PUNJAB AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mansur Ali, Advocate and
Mr. H.S. Deol, Advocate
for the petitioners.

Ms. Akshita Chauhan, Asst. A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this writ petition is for a direction to the respondents to consider the petitioners' claim to continue working as Conductors especially in view of decision dated 03.02.2020 (Annexure P-7) in CWP-20409-2015 and others connected cases.

Learned counsel for the petitioners submits that the petitioners in this writ petition are similarly situated as the petitioners in CWP-20409-2015 as they too are working on the post of Conductors/Drivers through the outsourcing agency in pursuance to advertisement issued by the respondents. The petitioners seek benefit of the experience gained by them having worked with the respondents. The

said writ petitions were disposed of on 03.02.2020 while directing as under :-

6. Let the petitioners file detailed representation with reference to the reasons/objections as raised by the respondents for nonselection/non-consideration of their candidature as found in Annexure R-3 (colly). The said representation alongwith documents supporting their claim should be filed within a period of three weeks from today. On submission of the said representation along with documents, respondents shall consider the same and on reconsideration, pass a speaking order within a period of eight weeks from the date of submission of such representation.

7. This exercise obviously has to be carried out simultaneously along with the recasting of the merit list keeping in view the order which has earlier been passed by this Court on 16.11.2016. The recast merit list shall be given effect to on that basis. In case the petitioners are found to be making the merit, they be issued appointment letters accordingly. After the passing of the order with regard to the petitioners, the same be conveyed to them. As is apparent this exercise need to be done and given effect to as per the order dated 16.11.2016 as referred to above in true spirit by the Highest Authority and therefore, direction is issued to the Managing Director of PUNBUS to personally monitor the whole process and take further steps in accordance with law.

*8. In the light of the interim order passed by this Court, whereby **status quo** with regard to the services of the petitioners had been ordered to be maintained shall continue qua the petitioners, who are not selected/appointed for a period of three weeks thereafter*

before actually dispensing with the services of the petitioners. In case the Competent Authority is satisfied with the work and conduct of these non-selected eligible petitioners, the possibility and feasibility of continuing with them be considered, if not on direct contract basis, then through outsourcing.

9. It is clarified here that this order has been passed keeping in view the report, which is stated to have been prepared by the respondents in pursuance to the directions issued by this Court to which certain reservations/objection have been raised by the counsel for the petitioners. Nothing has been considered on merits with regard to the rights of the petitioners as has been projected by them in these writ petitions. This exercise is being carried out so that the correct factual position comes out and the Court is in a position to take a final decision in case some aggrieved person(s) approach this Court.

The present petitioners, it is submitted, are similarly situated but their representations are not being entertained by the authorities, on the ground that they have not approached this Court at an earlier point of time.

Ms. Akshita Chauhan, Asst. A.G., Punjab, to whom an advance copy of the writ petition has been supplied, at this stage, on instructions from Jagjeewan Singh, Law Officer, PUNBUS, submits that respondents do not have any objection in considering the representations of the petitioners, if moved by them within one week from today.

Keeping in view the facts and circumstances as above, but without expressing any opinion on the merits of the matter, this writ petition is disposed of with the observation that in case necessary representation(s) is/are moved by the petitioners within one week of receipt of certified copy of this order, same shall be considered by the respondent-authority in terms of order dated 03.02.2020 in CWP-20409-2015.

Petition is disposed of accordingly.

23.02.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No