

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8866 of 2021
Date of Decision: 23.04.2021

Vijay Kumar and another

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ramesh Goyat, Advocate, for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking a direction to treat the petitioners as regular Canal Patwari w.e.f. the date of their initial joining as per provisions of para 16(b) of Punjab Government Instructions dated 21.11.2002 (**Annexure P-6**) and at par with the case of similar situated employees, who were appointed under the same compassionate scheme and were regularized w.e.f. the date of their initial joining vide Annexures P-8, P-9 and P-10.

The learned counsel for the petitioners has submitted that in the present case both the petitioners were appointed on compassionate basis in the year 2001 and after the completion of the requisite test they were given appointment as Nehri Patwari vide Annexure P-4. He submitted that their appointments were required to be considered from the year 2001 when they

were initially appointed on compassionate basis in view of the aforesaid Rules which provide that the date of joining shall be relevant for the purpose of consideration of date of regular appointment. The learned counsel also referred to Annexure P-8, whereby similar situated persons were granted the benefit under the aforesaid Rules but the petitioners have been denied the same benefit. He further submitted that a detailed legal notice was given in this regard vide Annexure P-14 to the official respondents on 23.09.2020 by registered post but no action has been taken in this regard.

Notice of motion.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab accepts notice on behalf of all the respondents and states that he has no objection in case the present petition is disposed of without commenting upon the merits of the case to decide the representation/legal notice of the petitioners, in accordance with law.

I have heard the learned counsel for the parties.

The present writ petition can be disposed of without calling for reply from the official respondents in view of the fact that the petitioners have already served a legal notice/representation to the official respondents vide Annexure P-14, which has not been decided till date and the petitioners are claiming their right on the basis of Government Instructions (Annexure P-8) and are also claiming parity with the other similar situated persons.

Consequently, without expressing anything on the merits of the controversy, the present writ petition is disposed of with a direction to respondent No.2 to consider the legal notice/representation of the petitioners

Annexure P-14 and to decide the same in accordance with law within a period of three months from the date of receipt of certified copy of the order.

23.04.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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