

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

210

CWP-26768-2013

Date of decision : 28.09.2022

Lakhwinder Singh and others

... Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Raja Sharma, Advocate for petitioner No.1.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Arvind Mittal, Advocate for respondents No.2 to 4.

Anupinder Singh Grewal, J. (Oral)

The petitioners have challenged the advertisement dated 27.11.2013 (Annexure P-13) whereby the respondents had initiated recruitment to the posts of Peon, Sweeper, Security Guard and Driver.

Learned counsel for the petitioners submits that petitioner No.1 had been appointed as a Peon on daily wages and had continued to work for several years before the respondents had illegally terminated his services.

Learned counsel for respondents No.2 to 4 submits that the petitioners had been employed on various posts at Suwidha Centers. The petitioners along with other employees of the Suwidha Centers had gone on strike but despite the repeated notices, they did not turn up to join work. Subsequently, a public notice was issued in the local newspaper 'Ajit' asking them to join duty but they refused to do so.

At this juncture, learned counsel for the petitioners submits that no notice had been issued to the petitioners to join service. He also submits that the petitioners have not been paid the salaries for over three years which is controverted by the counsel for respondents No.2 to 4 who submits that the counsel

for the petitioners himself had stated before this Court on 09.01.2017 that the petitioners had not been salary for the last three months.

Heard.

The petitioners are stated to have been working on various posts as daily wagers. A perusal of the material on record does not indicate that any advertisement had been issued prior to the appointment of the petitioners. This Court by order dated 17.12.2013 had directed that the services of the petitioners shall not be dispensed with unless there is something adverse regarding their functioning. The petitioners are stated to have worked with the respondents till 07.09.2016 whereon they along with other employees had gone on strike. The respondents are stated to have issued a public notice asking them to join the duty but they had failed to do so.

Consequently, I do not find any infirmity in the action of the respondents in issuing a fresh advertisement. However, respondent No.3 is directed to pay salary to the petitioners for a period of three months from October, 2016 to December, 2016 which shall be disbursed to them within a period of two months from the date of receipt of certified copy of this order.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

September 28, 2022
sonia gugnani

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