

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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2023:PHHC:085778-DB

CWP-12807-2023

Date of Decision: July 07, 2023

ADITYA THAKUR AND ORS.

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondent(s)

AND

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CWP-12919-2023

AMIR KHAN AND OTHERS

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mohit Shukla, Advocate
for the petitioner(s).

Mr. V.G. Jauhar, Addl. A.G. Punjab.

G.S. SANDHAWALIA, J.(ORAL)

1. By this common order, the writ petition(s), the details of which have been given in the headings are being disposed of.

2. The petitioners are working as Clerk, Steno, Stenographers, Process Servers, Drivers, Mali and Peons in different Districts of State of Punjab on regular basis with their respective District & Sessions Judge. They are challenging the notification dated 15.01.2015 (Annexure P-1) and 22.12.2015 (Annexure P-3) and seeking its quashing on the strength of the judgment passed in CWP-17064-2017 titled as '*Ajay Kumar Singla and ors. Vs. State of Punjab*

and ors. 'on 16.02.2023 (Annexure P-14).

3. We are informed that in similar circumstances CWP-11343-2023 titled '*Hardeep Singh and ors. Vs. State of Punjab and ors.*' was disposed of on 24.05.2023 by the Co-ordinate Bench while noting as under:-

“Counsel for the petitioners has produced a communication dated 24.05.2023 issued by the Registrar General, Punjab and Haryana High Court, Chandigarh, according to which, the judgment passed by the Division Bench of this Court in CWP No. 17064 of 2017 titled as Ajay Kumar Singla and others vs. State of Punjab and others, decided on 16.02.2023, has been decided to be implemented qua the employees posted in the Sessions Divisions in the State of Punjab with the condition that an undertaking be taken from the employees to the effect that in case the judgment is set aside by the Hon'ble Apex Court at the instance of State of Punjab, they shall refund the amount.

Counsel for the petitioners states that for now, the present writ petition may be disposed of in the light of the said communication.

Ordered accordingly”

4. Counsel has also produced a communication from Registrar General of this Court to all the District & Sessions Judges in State of Punjab and the District & Sessions Judge, Chandigarh dated 02.06.2023 wherein the undertaking is required to be given by the employees to the effect that in case, judgment of the Division Bench is set aside by the Hon'ble Apex Court at the instance of State of Punjab, they shall refund the amount. The relevant part of the communication reads as under:-

“I am directed to refer you on the subject cited above and to forward herewith a copy of judgment dated 16.02.2023 passed in CWP-17064-2017 and in its 101 connected cases for implementing the same qua employees working in the

Subordinate Courts, with the condition that an undertaking be taken from the employees to the effect that in case the judgment is set aside by the Hon'ble Apex Court at the instance of State of Punjab, they shall refund the amount."

5. Keeping in view above, we are of the considered opinion that decision has already been taken by this Court and the appointment have been made in view of the recommendations made by this Court which would be clear from the appointment order (Annexure P-20) and the concerned District & Sessions Judge is bound by the above said communication.

6. We are of the considered opinion that if the similar undertaking is taken in terms of the above instructions, the petitioner(s) shall be bound to comply with the same. Therefore, no further orders are required to be passed in the above facts and circumstances on the administrative side.

7. Accordingly, the writ petition(s) are disposed of in the said circumstances with direction to the concerned District & Sessions Judge to give the benefit as given to the petitioners in the writ petition subject to taking the above said undertaking.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(G.S. SANDHAWALIA)

JUDGE

(HARPREET KAUR JEEWAN)

JUDGE

07.07.2023

sangeeta

Whether speaking Yes/No
Whether reportable Yes/No