

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14968-2015

Date of decision : 30.01.2023

Bishan Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Abheray Singh Baweja, Advocate for
Mr. H.S. Sirohi, Advocate
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Anupam Singla, Advocate
for respondent No.3.

PANKAJ JAIN, J. (Oral)

Petitioners seek writ in the nature of certiorari seeking quashing of the selection list of workshop staff (Annexure P-5).

2. Respondents invited applications for more than 2000 posts lying vacant in the depots of Punjab Roadways vide Annexure P-2. The selection process was conducted. The petitioners participated in the same. Present writ petition has been now filed whereby the petitioners have raised grievance claiming that they are working on contractual basis with the respondents and their services ought not have been replaced with another set of contractual workers.

3. Counsels are *ad idem* that a set of Conductors approached this Court by way of bunch of writ petitions decided on 03.02.2020 in the case of ***CWP No.20409 of 2015 titled as 'Satnam Singh and others vs. State of Punjab and others'***, wherein this Court

has directed the respondents to give an opportunity to the petitioners to explain w.r.t. the objections raised regarding their ineligibility/non-grant of marks etc. and in case such explanation/representation is filed, the respondents were directed to consider the same and reconsider by passing a speaking order within a period of eight weeks from the date of submission of such representation.

4. Counsels are *ad idem* that the present writ petition can be disposed off in the same terms. The operative part of the order passed in '**Satnam Singh's case**' (supra) reads as under:-

“xx xx xx

5. This Court has considered the matter today and is of the considered view that the petitioners be given an opportunity to explain with regard to the objections which have been raised by the respondents with regard to their ineligibility/non-grant of marks etc. and as to why they have not been appointed/selected.

6. Let the petitioners file detailed representation with reference to the reasons/objections as raised by the respondents for non-selection/non-consideration of their candidature as found in Annexure R3 (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.

10. These writ petitions are disposed of accordingly.”

5. Mr. Singla appearing for the respondent-Corporation very fairly submits that though the directions were given about 03 years back in the case of Satnam Singh, but respondent-Corporation has enough vacant posts wherein the petitioners if found to be eligible can be well adjusted by reconsidering the merit list.

6. Resultantly, the present writ petition is disposed off in terms of directions issued by this Court in the case of **Satnam Singh (supra)**. Petitioners are granted one opportunity to file their explanation/detailed representation w.r.t. their claim as raised in the present writ petition. Thus, the said representation alongwith documents in support thereof be filed within a period of 04 weeks from the date of receipt of certified copy of this order. On submission of said representation, respondent-Corporation shall consider the same and decide by passing a speaking order within a period of 08 weeks from the date of submission of such representation. In case, the claim of the petitioners finds merit, the select list shall be altered/modified/revised accordingly. Managing Director of the respondent-Corporation is directed to monitor the whole process personally. It is further clarified that in case the authority is satisfied with the work and conduct of the present petitioners, who though have not been selected but are yet eligible, the possibility and feasibility of continuing with them be considered on contract basis.

Needless to say, this Court has not gone into the merits with regard to the rights of the petitioners as canvassed in the present writ petition.

7. Petition is disposed off accordingly.

(PANKAJ JAIN)
JUDGE

30.01.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No