

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

CWP-19434-2019 (O&M)

Date of decision : 04.09.2023

Kulwant Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. J.S.Jaidka, Advocate and
Mr. Abhishek Khullar, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Ms. Anu Chatrath, Sr.Advocate with
Mr. Nishant Maini, Advocate and
Ms. Divya Sharma, Advocate
for respondent Nos.2 and 3-PUDA.

DEEPAK MANCHANDA, J.(Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents authorities to give appointment to the petitioner on the post of Law Officer as per advertisement dated nil (Annexure P-1) published on the official website of PUDA in the month of September, 2018, for the reasons that the petitioner has duly been selected and the other similarly placed selected candidate of his category i.e. SC(other) category has already joined duty.

During the pendency of the present petition and in compliance with the order dated 19.07.2019 short reply by way of affidavit dated 10.09.2021 of Damanjit Singh Mann, Additional Chief Administrator(HQ)

PUDA was filed on behalf of respondents no. 2 &3-PUDA. In the reply the fact of issuance of the Advertisement (Annexure P-1) and there being 2 post of the SC(other) category has been admitted. It has also been admitted that the petitioner participated in the written test and standing at Sr. No.2 in the merit list of SC(others) category. In para no. 8 of the reply respondents submitted that since this Court in CWP No. 28951 of 2017 had stayed the termination of 6 Law Officers, therefore, in case of the sanctioned posts of Law Officers by offering appointment of fresh candidates, who had participated in the advertisement(P-1) then the answering respondent would not be left with any vacant post to retain the 6 law officers. In para no. 10 of the reply it has been mentioned that since stay of termination orders has been granted by this Court vide orders dated 19.12.2017, 22.12.2017 and 08.01.2018 and these posts of Law Officers are still occupied by the petitioners therein, as such appointment letter cannot be issued to the present petitioner on the post of Law Officer in SC(others) category and therefore prayer has been made for dismissal of the present writ petition.

Learned senior counsel for the respondents-PUDA submits that earlier there was stay operating in CWP-28951 of 2017 and now the said writ petition has been dismissed vide order dated 07.07.2023. She submits that now two posts of Law Officer are available in PUDA and the claim of the petitioner can be considered.

At this stage, in view of the statement of the learned senior counsel for the respondents-PUDA, learned counsel for the petitioner prays that the petitioner would be satisfied if the present writ petition be disposed of directing the respondents-authorities to consider the claim of the petitioner in a

time bound manner, and petitioner be given appointment w.e.f. 24.05.2019 i.e. the date when the other candidate of the said category namely, Darshan Singh had joined, as even as per the reply of the respondents-PUDA, the claim of the petitioner was with-held merely on the ground that earlier stay was operating in CWP No. 28951- 2017, which petition has since been dismissed on 07.07.2023.

In light of the position stated above and in view of the statement made by the learned counsel for the respondents-PUDA to consider the claim of the petitioner for appointment, this Court is of the view that nothing more remains to be adjudicated in this case and the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner expeditiously, in accordance with law.

Since the writ petition is disposed of, pending application(s), if any, also stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

04.09.2023
nisha/vanita

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