

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

129

CWP-15252-2023

Date of Decision: 19.07.2023

Jaspal Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. H.C. Arora, Advocate and
Ms. Sunaina, Advocate for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari moved by the petitioners for assailing the order dated 13.07.2023 (Annexure P-10), issued by respondent No.2-Department of Rural Development and Panchayats, whereby, it has been directed to all the Additional Deputy Commissioners (Development)-cum-Chief Executive Officers of Zila Parishads, Block Development and Panchayat Officers and Executive Officers of all the Panchayat Samiti, to give personal hearing to the persons who have been informed to be regularized in the Zila Parishads and Panchayat Samiti by adopting a wrong procedure.

2. Learned counsel for the petitioner submits that the decision to revoke their regular appointment and revert them to their earlier status, has already been taken and the directions for being personal hearing is merely an eye wash.

3. Learned State counsel submits that the order is not to be read in

the manner as understood by learned counsel for the petitioners. In fact, the directions are to give a personal hearing to the concerned employees and if they are found to have been regularized by adopting a wrong procedure, their regularization order would be revoked and they would be placed at the status which they were holding prior to regularization. However, in each individual case, facts would be examined individually. Learned State counsel further submits that the petition is wholly pre-mature and individual person may have grievances as and when any action is taken against them.

4. I have heard learned counsel for the parties at length and have considered the submissions.

5. This Court finds that the present petition has been preferred by 36 employees who have been regularized in the year 2017. A Departmental Committee was constituted to examine their cases of regularization and it appears that they have reached to a conclusion that certain wrong procedure was adopted. However, it is always open to the petitioners to point out that so far as they are concerned, their regularization was in accordance with the rules as and when a show-cause-notice is given to them. It is expected that on such notice being served upon the petitioners, the respondent-State shall pass a speaking order after taking into consideration the plea taken by the concerned individual person. If the petitioners are still aggrieved of the order, he/she would be always free to challenge the same in appropriate procedure and as on today, no cause of action is found to be made out.

6. Keeping in view the above, no ground is made out to interfere in the order dated 13.07.2023 and accordingly, the present petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

19.07.2023

D.Bansal

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