

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

CWP- 17026-2023 (O&M)

Date of Decision:07.08.2023

Mohd. Dilshad Umer

... Petitioner

V/s.

Punjab State Power Corporation Ltd. & others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Nikhil Anand, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of mandamus for directing the respondents to grant deemed date of appointment to the petitioner along with all consequential benefits flowing out of said deemed date of appointment (as granted to petitioners in CWP No.26432 of 2022, CWP No.25491 of 2022, CWP No.27810 of 2022, CWP No.27501 of 2022 vide order dated 09.01.2023 (Annexure P/5) w.e.f. 18.02.2021 i.e. date when the batchmates of the petitioner along with the

candidate lower in merit joined the respondent-department as Lower Division Clerk pursuant to advertisement No. CRA-293/19 dated 05.09.2019 (Annexure P/6) as despite all the documents of the petitioner were found to be in order during document verification, the petitioner was not made to join the respondent-department with his batch-mates on 18.02.2021 and was made to join only on 20.08.2021 and further with a prayer to decide the legal notice dated 24.04.2023 (Annexure P/11) in accordance with law by passing a speaking order.

Learned counsel for the petitioner submits that the petitioner was a candidate for the post of Lower Division Clerk against the advertisement issued by the respondent-department and in view of the orders passed by this Hon'ble Court his batch-mates were given appointment w.e.f. 18.02.2021 even who were lower in merit than the petitioner despite all his documents were found in order during document verification. The petitioner's appointment was delayed for six months as he was issued appointment letter on 28.07.2021 and he joined on 20.08.2021. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance through his representations dated 21.03.2023 (Annexure P/9) and also in the legal notice dated 24.04.2023 (Annexure P-11), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. Arun Gupta, AAG, Punjab who is present in the Court accepts notice on behalf of respondent No. 1 and Ms. Supriya Garg, Advocate has put in appearance on behalf of respondent Nos. 2 to 5 and raise no objection in deciding the legal notice dated 24.04.2023 (Annexure P-11) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice, respondents are directed to decide the legal notice dated 24.04.2023 (Annexure P-11), by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

07.08.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No