

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18973-2023
Date of decision: 29.08.2023

Gaurav Badhwar and othersPetitioners
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Manmeet Singh Rana, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to treat the petitioners as appointee in CRA No.276/2012 w.e.f. 05.03.2014 i.e., when their counterparts/batchmates came to be appointed through common process of selection as granted to the similarly situated employees vide order dated 11.01.2021 (Annexure P-3) and 24.02.2021 (Annexure P-4) qua the petitioners.

Learned counsel for the petitioners contends that the petitioners were appointed on various posts i.e., Junior Engineer, Auxiliary Plant Attendant, Assistant Junior Specialist, Supervisor Instrumentation vide advertisement No.CRA-276/2012. The appointment letters amongst those posts were issued on 05.03.2014, however, the appointment letters to the petitioners No. 1 to 7 had been issued after much delay which can not be attributed to the petitioners. He submits that appointment letter of petitioner No.8 had been issued on 05.03.2014 but till 14.03.2014 it was not sent to the concerned Medical Officer, Bathinda for conducting the medical of the petitioner No.8, therefore, the petitioner No.8 could not join on 05.03.2014 and he could only join on 21.03.2014. He further submits that some of the counterparts/batchmates of the petitioners, who have joined service in March, 2014 are considered for promotion whereas, the petitioners who had joined later due to no fault on their part were not considered for

promotion. Learned counsel submits that some of the similarly situated employees had also approached this Court for claiming similar relief by way of filing *CWP-15834-2022, CWP-24485-2022, CWP-2315-2023 and CWP-8785-2023* claiming the deemed date of appointment and the same has been disposed of vide order dated 06.02.2023(Annexure P-7) by directing the respondents to decide the claim of the petitioners therein. Learned counsel again submits that petitioners have served a legal notice dated 10.04.2023 (Annexure P-6) to respondents, which has not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and does not object to the prayer made by learned counsel for the petitioners.

On asking of the Court, Mr. Anirudh Singh, Advocate, who is also present in the Court, accepts notice on behalf of respondents No.2 to 6 and he does not object to the prayer made by learned counsel for the petitioners.

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 petitioners, the competent authority is directed to decide the legal notice dated 10.04.2023 (Annexure P-6), by passing a speaking order within a period of 8 weeks, in accordance with law, from the date of receipt of certified copy of this order with a further direction that if the petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to them within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

29.08.2023
Sapna