

**IN THE HIGH COURT OF PUNJAB AND Punjab AT CHANDIGARH
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Decided on : 19.10.2023

(I) CWP-27236-2019 (O&M)

Sucha Singh . . .petitioner
Versus

State Of Punjab And Ors . . . Respondents

(II) CWP-35230-2019 (O&M)

Ravinder Kaur ...petitioner
Versus

State Of Punjab And OthersRespondents

(III) CWP-14294-2020 (O&M)

Pushpa RaniPetitioner
Versus

State Of Punjab And Ors ...respondents

(IV) CWP-5809-2021 (O&M)

Satnam KaurPetitioner
Versus

State Of Punjab And Others ..respondents

(V) CWP-2310-2021 (O&M)

Pala Ram ...petitioner
Versus

State Of Punjab And Others. ..respondents

(VI) CWP-9207-2020 (O&M)

Meean ..Petitioners
versus

State Of Punjab And Others ..Respondents

(VII) CWP-6321-2022 (O&M)

CWP-27236-2019 (O&M) and connected cases

-2- 2023:PHHC:136739

Jagdev Singh

Versus

..petitioner

State Of Punjab And Others

..respondents

(VIII) CWP-7836-2022 (O&M)

Balbir Kumar

versus

..Petitioner

State Of Punjab And Others

..Respondents

(IX) CWP-11571-2022 (O&M)

Charan Singh

versus

..Petitioner

State Of Punjab And Others

..Respondents

(X) CWP-13956-2022 (O&M)

Gurmeet Kaur

versus

..Petitioner

State Of Punjab And Others

..Respondents

(XI) CWP-11649-2022 (O&M)

Narang Singh

versus

..Petitioner

State Of Punjab And Others

..Respondents

(XII) CWP-4716-2020 (O&M)

Prem Singh

versus

..Petitioner

State Of Punjab And Others

..Respondents

(XIII) CWP-6575-2022 (O&M)

Krishan Dev Rai

versus

..Petitioner

State Of Punjab And Others

..Respondents

(XIV)CWP-5398-2023 (OTHER) (O&M)

Balwinder Singh

versus

..Petitioner

State Of Punjab And Others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. R. K. Girdhar, Advocate;
Mr. Rajesh Punj, Advocate with
Mr. Sahaj Punj, Advocate and
Mr. Rohit Dhiman, Advocate
for the petitioner(s)

Mr. Rohit Ahuja, DAG, Punjab.

HARSIMRAN SINGH SETHI , J. (Oral)

1. By this common order, above mentioned writ petitions are being disposed of as all the writ petitions involve the same question of law on similar facts.
2. In these bunch of petitions, the grievance of the petitioners is that without noticing the actual fact qua the date of birth of the petitioners, action is being taken with regard to retirement, on the basis of the date filled by the petitioners in their application forms. Learned counsel for the petitioners further submits that after filling up the application forms, certain data qua the date of birth of the petitioners was supplied to the department but the same had not been considered by the respondents.
3. Learned counsel for the respondents on the other hand, submits that there is a manipulation in the application forms of the petitioners as the date of birth has been filled up at the later stage which is not reconciliation with the data earlier mentioned in the application forms. Learned counsel for the respondents further submits that in some of the cases, the candidate has given more than one date of birth which is available on record which shows that the department is being mislead qua the actual date of birth of the petitioners, hence, the action is being taken by the department on the basis of initial information given by the petitioners concerned while gaining the employment.

4. Learned counsel for the petitioners submits that the petitioners do not intend to press these petitions and liberty be given to the petitioners to approach the respondents so as to file representations giving the documents to support their claim for a particular date of birth to the exclusion of the other material available on record with the respondents and the respondents be directed to pass an appropriate orders on those representations in a time bound manner so that the petitioners do not suffer any prejudice.

5. Learned counsel for the respondents submits that in case any representation is received from the petitioners giving any document to support their claim for particular date of birth, the same will be considered in accordance with law coupled with the material which is already available with the department and an appropriate order will be passed within a period of 08 weeks of the receipt of any such representation and in case, after the decision, the petitioners are found entitled for any benefit, the same will be extended to them within a further period of four weeks.

6. At this stage, learned counsel for the petitioners submits that under the various interim orders of co-ordinate Bench of this Court, the petitioners have already worked for a period concerned and the respondents be directed not to recover any benefits for the said period of service which they have already received.

7. Learned State counsel submits that though under the orders of co-ordinate Bench of this Court, the petitioners have worked, but in case they were not entitled to discharge the duties for the period for which they have worked under the orders of co-ordinate Bench of this Court, they cannot be allowed to enjoy the benefits of the same.

8. In this regard, once the petitioners had discharged the duties

with the respondents and served the respondents under the orders of this Court, it will be too harsh to recover the amount which they have got after discharging their duties hence, respondents-State shall not recover any amount for the particular period for which the petitioners had already discharged their duties under the orders of co-ordinate Bench of this Court.

9. All the writ petitions stand disposed of as not pressed with liberty as prayed for.

10. It is made clear that the interim order passed in these petitions so as to allow the petitioners to continue in service, will come to an end today itself.

11. Civil miscellaneous application pending, if any, is also disposed of.

12. A photocopy of this order be placed on the files of connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

19.10.2023

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