

CWP- 23003-2023

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

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Date of Decision:11.10.2023

Tanvir Singh

... Petitioner

V/s.

Punjab State Power Corporation Limited and 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 in the nature of Mandamus under Article 226/227 of the Constitution of India by the petitioner for issuing directions to the respondents to grant deemed date of appointment/joining to the petitioner along with all consequential benefits flowing out of said deemed date of appointment as well as for directing respondent No. 1 to consider and decide the legal notice dated 01.05.2023 (Annexure P-8) in accordance with law in time bound manner by passing a speaking and reasoned order.

The brief facts of the case are that on 05.09.2019, the respondent Department advertised various posts including 1000 posts of Lower Division Clerks. The petitioner applied for the post of Lower Division Clerk and figured in the merit list, as per which the petitioner was required to be given joining w.e.f. 18.02.2021 with candidates of 1st select panel wherein the batchmates of the petitioner including the candidate

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namely Vinod kumar belonging to BC category, who was lower in merit than the petitioner was given joining. The Respondent-department made the candidates of 1st select panel join the respondent-department as lower division clerks w.e.f. 18.02.2021 along with Vinod Kumar, candidate belonging to BC category, who was lower in merit than the petitioner. The petitioner was issued letter of appointment on 28.07.2021 and he joined the Respondent-department on 20.08.2021. In November/December, 2022, the Hon'ble Court disposed off various writ petitions in similar circumstances filed by the candidates who were made to join the respondent department on various posts with much delay which was attributable to the respondent-department and the Court issued directions to respondent No. 1 to consider and decide the legal notice submitted by them in a time bound manner. Pursuant to which, vide order dated 09.01.2023, the said petitioners were granted deemed date of appointment. Resultantly various similarly situated employees approached the Hon'ble Court by filing CWP-17026-2023 which was disposed off vide order dated 07.08.2023 and the petitioner therein has been granted relief by respondents vide order dated 03.10.2023. The batchmates and immediate junior of the petitioner in merit list were made to join the respondent department w.e.f. 18.02.2021 and the petitioner was made to join the respondent department w.e.f. 20.08.2021 i.e. after a delay of almost six months. So the petitioner is facing loss of seniority, loss in counting of probation period because of inaction on the part of respondents only. Aggrieved against the same, the petitioner through his counsel served a legal notice dated 01.05.2023 (Annexure P-8) upon the respondents but the same is still pending. Thereafter the petitioner filed the present petition.

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Learned counsel for the petitioner at the outset confines himself to the limited prayer made in the writ petition for deciding the legal notice filed by the petitioner dated 01.05.2023 (Annexure P-8) expeditiously by passing a speaking order within a time bound frame.

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

Without commenting on the merits of the case and keeping in view the innocuous prayer made in the present petition, respondent No. 1 is directed to consider and decide the legal notice dated 01.05.2023 (Annexure P-8) in accordance with law, by passing a speaking order as expeditiously as possible preferably within a period of eight weeks from the date of receipt of certified copy of this order with a further direction that if there is no legal impediment, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

Petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

11.10.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No