

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 28825 of 2022
Date of decision : January 11, 2023

Onkar Nath and others
..... Petitioners
Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :-Mr. D. S. Gandhi, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

The petitioners have preferred present petition under Article 226/227 of the Constitution of India seeking writ in the nature of mandamus in the form of direction to the respondent-authority to reinstate them as Punjab Home Guards along with all consequential benefits. As per the pleadings raised in the petition, petitioners joined as Punjab Home Guards on different dates ranging from the year 1990-93. Their services were terminated in the year 1993-1997. The relevant dates as tabulated by the petitioners in the petition read as under:

S.No.	Belt No.	Date of Joining	Date of dismissal/termination
Petitioner No.1	3027	25.05.1992	09.04.1997
Petitioner No.2	3078	11.01.1993	July 1996
Petitioner No.3	20766	05.03.1990	1996
Petitioner No.4	1426	10.06.1991	15.02.1993
Petitioner No.5	3443	1992	1996

The petitioner claims that similarly situated persons approached this Court by way of different writ petitions bearing CWP No.23475, 23527 and 23494 of 2015 claiming parity with other persons who were initially terminated but later on reinstated as Home Guards. The said writ petition was allowed vide judgment dated 23.02.2017. Learned counsel thus, prays that the petitioner being similarly situated would be entitled to be reinstated.

On advance notice Mr. Inderjeet Singh Kang, Assistant Advocate General, Punjab appears and brings to the notice of the Court that the aforesaid judgment passed by the Single Bench in CWP No.23475, 23527 and 23494 of 2015 was taken in Intra Court appeal by the State. LPA No.1088 of 2018 preferred by the State stands allowed vide judgment dated 7.7.2022 and the judgment dated 23.02.2017 passed by Single Bench has been set aside.

Learned counsel for the petitioner is not in a position to dispute the aforesaid factual position based on the record.

In view of the above, no ground for interference is made out.

Consequently, the present writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

January 11, 2023
archana

Whether speaking/reasoned

Yes

Whether Reportable :

No