

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.32 of 2023 (O&M)

Date of decision : 06.01.2023

Darshan Lal & others

..... Petitioners

versus

State of Punjab & others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Harpreet Kaur Arora, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 02.12.2022 appended as Annexure P-4 along with the writ petition.

The main thrust of the pleadings in the writ petition are that the petitioners are working as Class-4 employees with the Punjab Police. They claim weekend holidays i.e. Saturday, Sunday and other Gazetted holidays. In the earlier round of litigation this Court vide order dated 18.07.2022 directed the respondents to dispose off the legal notice pending with the authorities issued at the behest of the petitioners in accordance with law. The same has been now disposed off by passing a speaking order which is under challenge in the present writ petition. The operative part of the order reads as under :-

“Based on the above order of the Hon'ble Punjab and Haryana High Court legal notice dated 24.05.2022 given by Darshan Lal Barbar Class-4 (Regular) and 07 other Class-4 (Regulars) was examined in this office in compliance with the order dated 18.07.2022 of Hon'ble Punjab and Haryana High Court Chandigarh. In view of special circumstances to maintain the law and order situation in the State, it is not possible to grant Saturdays, Sundays and gazetted holidays to Class-4 employees keeping in view the duties performed by the Police Department. It is also worth mentioning here that according to the posting of Class-4 personnel, the attendance of Class-4 personnel is made at Police Line, Ferozepur. Apart from this, the department has given CLE to Class-4 personnel of Punjab Police keeping in view their service. There is also a provision for grant of casual/earning leave, which is granted casual/earning leave to the entitled from time to time as per their written demand.

In compliance to the orders of Hon'ble Punjab and Haryana High Court, dated 18.07.2022. The legal notice dated 24.05.2022 given by Darshan Lal Barbar Class-4 Regular and 7 other Class-4 Regulars has been examined in this office and it has been decided on the basis by this office.

In view of special circumstances to maintain, law and order situation in the State, it is not possible to grant Saturdays, Sundays and gazetted holidays to Class 4 employees keeping in view the duties performed by the Police Department. It is also worth mentioning here that according to the posting of Class-4 personnel, the attendance of Class-4 personnel is made at Police Line, Ferozepur. Apart from this, the department has given Casual leave to Class-4 employees of Punjab Police, keeping in view of their length of service. There is also a provision for grant of Casual/earned leave, which is granted as per amendment in rules regarding Casual/earned leave from time to time to the employees as per their written requests.”

Learned counsel for the petitioners submits that as per information received under the RTI Act, 2005 it is a conceded position by the State that all the members of Class-4 Services of the State are entitled for weekend holidays and the Gazetted holidays and thus it is admitted case

by the State itself that the petitioners will be entitled for the relief claimed yet the same has been rejected.

Per contra, learned State counsel submits that provision as contained in Rule 1.1 of the Punjab Civil Services Rules (for short PCS Rules) cannot be read in isolation and has to be read compositely and conjointly along with the provisions contained in Rule 1.4 of the PCS Rules.

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

In the considered opinion of this Court, the authorities have passed a reasoned order wherein the relief claimed by the petitioners has been adjudicated in accordance with law. Apart from RTI received, the learned counsel for the petitioners has not been able to point out any infirmity in the impugned order which would warrant exercise of writ of certiorari while entertaining present writ petition. Definitely grant of holidays and allowance in lieu thereof is matter to be regulated by relevant Rules/service regulations.

Consequently, the present writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

06.01.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No