

2023:PHHC:068765

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 09.05.2023

1. CWP-169-2023 (O&M)

Jashandeep Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

2. CWP-1755-2023

Harcharan Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sapan Dhir, Advocate
for the petitioner(s).

Ms. Shivani Sharma, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

By way of present judgment, I intend to dispose off above said two writ petitions as common question of law and facts are involved therein. For the sake of convenience, facts are being taken from CWP-169-2023.

2. While issuing notice of motion, following order was passed on 19.01.2023:-

“Counsel for the petitioner inter alia contends that since the petitioner was kept out of service on an illegal action of the respondent which was

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subsequently set aside by Writ Court, the appointment of the petitioner shall relate back to the date on which the selected candidates under the same Public Notice were appointed i.e. in the year 2011 and even if the monetary benefits are declined on the principle of 'no work no pay', the petitioner shall be entitled for notional benefits.

Issue notice of motion returnable for 09.05.2023.”

3. Today, reply has been filed. However, State counsel is not in a position to dispute the fact that the issue in principal would be covered by Division Bench judgment in LPA No.844 of 2021, wherein it has been held as under:-

“xx xx xx

Thus, the candidates were fully eligible and had duly applied in accordance with law and have a legal right for claiming issuance of writ of mandamus, as per the settled principles. Therefore, the Learned Single Judge has not gone wrong in any manner in directing to consider the cases of the 6 writ petitioners against the post of Police Constables. Similarly, the order of discharge dated 11.10.2018 (Annexure P-13) has rightly been quashed. The interest of the State had also been protected regarding the principle of 'No work no pay' and therefore, this Court is of the opinion that the directions issued by the Learned Single Judge do not suffer from any infirmity or illegality, which would warrant interference by this Court in the present letters patent appeals.”

4. In view of above, the present writ petitions are allowed in terms thereof. The petitioners are held entitled for the same relief. The

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appointment of the petitioners for all intents and purposes shall relate back to the date of appointment of the similarly situated persons. However, they will not be entitled for monitory benefits on the principle of ‘No work no pay’.

5. Ordered accordingly.
6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

09.05.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No