

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

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CWP-28548-2023

Date of decision: 19.12.2023

LOVEPREET SINGH**.....Petitioner****VERSUS****PUNJAB STATE POWER CORPORATION LTD AND ORS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Nikhil Anand, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to grant deemed date of appointment to the petitioner along with all consequential benefits flowing out of said deemed date of appointment w.e.f. 18.02.2021 i.e. the date when the batchmates of the petitioner along with candidate lower in merit joined the respondent department as Lower-Division Clerk pursuant to Advertisement No.CRA-293/2019 dated 05.09.2019 (Annexure P-7) as despite the fact that all the documents of the petitioner were found to be in order during document verification, the petitioner was made to join respondent department on 20.08.2021 with a further prayer to decide the legal notice dated 01.09.2023 (Annexure P-10) in accordance with law.

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 in Backward

Class category 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 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 said Vinod Kumar. 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 01.09.2023 (Annexure P-10) upon the respondents but the same is still pending. Thereafter the petitioner filed the present petition.

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 01.09.2023 (Annexure P-10) expeditiously by passing a speaking order within a time bound frame.

Notice of motion.

On asking of the Court, Ms. Harpriya Khaneka, Advocate, who is present in the Court, accepts notice on behalf of the respondents and submits that the respondent No.1 is the competent authority to take final decision. She does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 01.09.2023 (Annexure P-10), respondent No.1 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

December 19, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>