

138

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4665-2024
Date of decision: 28.02.2024

ATUL SHUKLA AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Udit Jain, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ/orders/direction in the nature of *mandamus* directing the respondents to reinstate the petitioners with immediate effect in the light of the fact that interim order in CWP-7805-2022 dated 21.07.2022 (Annexure P-3) and interim order in CWP-12683-2022 dated 29.07.2022 (Annexure P-4) stand vacated as the said writ petitions were dismissed by this Court on 06.07.2023 (Annexure P-7) and further for directing respondent No.2 to decide the representation of the petitioners dated 06.02.2024 and 01.02.2024 (Annexure P-8) and pass a speaking order in a time bound manner.

2. Learned counsel for the petitioners submitted that the petitioners after attaining the age of superannuation had retired on 30.07.2022 and 30.04.2021, respectively and thereafter, they were again employed on

contractual basis by executing a contract in this regard. He further submitted that however, their appointments were challenged by Pawan Kumar Gupta and Rahul Raj Singh by filing writ petitions before this Court bearing numbers CWP-7805-2022 and CWP-12683-2022, in which interim orders were passed on 21.07.2022 and 29.07.2022, respectively. He also submitted that after the passing of the aforesaid interim orders, the petitioners were relieved from the job and thereafter, vide Annexure P-7, both the aforesaid writ petitions were dismissed by a Coordinate Bench of this Court. He further submitted that since the petitioners have been relieved from service only because of the aforesaid interim orders passed a Coordinate Bench of this Court vide Annexure P-3 and Annexure P-4, the respondents are not taking back the petitioners in service. He further submitted that the limited prayer of the petitioner may be considered to the extent that he has filed representation (Annexure P-8) to the respondents, which may be directed to be considered and decided in accordance with law by passing a speaking order.

3. Notice of motion.

4. Mr. Samarth Sagar, Addl. A.G., Haryana and Mr. Naman Jain, Advocate, accept notice on behalf of respondent No.1 and respondents No.2 and 3, respectively.

5. Mr. Naman Jain, learned counsel for respondents No.2 and 3 submitted that he has instructions to state that respondents No.2 and 3 have no objection in case the aforesaid representation (Annexure P-8) of the petitioners is considered in accordance with law and an order will be passed within a time frame manner as directed by this Court.

6. In view of the aforesaid facts and circumstances, without calling for the reply from the respondents and without expressing anything on the merits of the case, considering the limited prayer of the petitioners with regard to seeking a direction for deciding of representation (Annexure P-8), the present writ petition is disposed of with a direction to respondents No.2 and 3 to consider and decide the representation (Annexure P-8) of the petitioners strictly in accordance with law and within a period of one month from today by passing a speaking order.

28.02.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No