

CWP-5497 of 1998 (O&M)

2024:PHHC:131110



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

CWP-5497 of 1998 (O&M)

Date of decision: 03.10.2024

Ranjit Singh and others

.....Petitioners

Versus

Punjab School Education Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Kapil Kakkar, Advocate,
for the petitioners.

Mr. S.S. Behl, Advocate,
for the respondents.

NAMIT KUMAR, J. (ORAL)

1. This writ petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of *mandamus*, directing the respondents to allow the petitioners to work as Restorers in the Punjab School Education Board till the final adjudication of the matter by the Hon'ble Supreme Court in SLP filed by the State of Punjab in Civil Misc. No.6593-CII of 1997 titled as Balkar Singh v. State of Punjab and others by treating them on *ad hoc* basis in view of Punjab Government instructions issued on 25.07.1997 (Annexure P-8), which were made applicable to the respondent-Board vide letter dated 07.11.1997 (Annexure P-9). Further prayer has been made for direction to the respondents to pay the salary to the petitioners forthwith along with 12% interest as since 01.08.1997 they have not been paid the salary though they are continuously working.

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2. It is stated by learned counsel for the petitioners that present petition survives qua petitioner No.19 only.

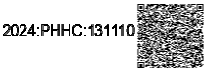
3. On 12.05.1998, *status quo* with regard to service of petitioner was ordered to be maintained. Thereafter on an application filed by the respondent-Board, the said order was modified vide order dated 03.02.1999, which reads as under: -

“Petitioners are daily wagers working with the Punjab School Education Board. They have filed this writ petition for a direction to the Board to allow them to work as Restorers till the matter is finally adjudicated by the Apex Court in the Special Leave Petition filed by the State of Punjab against the order of this court passed in Civil Misc.6593-CII of 1997 titled Balkar Singh v. State of Punjab and others. The Motion Bench while admitting the writ petition directed status quo to be maintained in regard to their services.

The present application has been filed by the Board under section 151 of the Code of Civil Procedure alleging that petitioners 19 and 20 are guilty of some acts of omission and commission and that even though they are daily wagers the Board wants to take disciplinary action against them. The prayer made in the application is that the stay order qua these two petitioners be vacated since the departmental proceedings against them have been completed.

I have heard counsel for the parties.

Since the inquiry against petitioners 19 and 20 is complete, the prayer made in the application is granted and the stay order qua these two petitioners vacated. The Board will be at liberty to take disciplinary proceedings against these two petitioners in accordance with law.”



4. Learned counsel for the respondents-Board submits that in pursuance to the said order, contract entered into with petitioner No.19 was not extended after 31.03.1999. To this, learned counsel for the petitioners submits that thereafter in the year 2005, petitioner No.19 was again engaged as Helper on contract basis and is continuing in service. He further submits that despite lapse of a period of 19 years, petitioner is still working on contract basis and his services have not been regularised. However, he admits that the said relief has not been claimed in the present petition.

5. Faced with this situation, learned counsel for petitioner No.19 wishes to withdraw the present petition with liberty to approach the respondent-Board claiming regularization of his services in view of prevalent policies.

6. Dismissed as withdrawn with aforesaid liberty. If any such representation is submitted by the petitioner within a period of one month from today, the same shall be considered and disposed of by the respondents-Board within a period of three months thereafter by passing a speaking order, which shall be conveyed to petitioner No.19.

03.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No