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

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Date of decision: 06.09.2024

CWP-10356-2007 (O&M)
Jaspal and others vs. State of Punjab and others

CWP-10324-2007 (O&M)
Amarjit Singh and another vs. State of Punjab and others

CWP-9503-2007 (O&M)
Harbans Singh vs. State of Punjab and others

CWP-9524-2007 (O&M)
Hardev Lal vs. State of Punjab and others

CWP-9525-2007 (O&M)
Narinder Kumar vs. State of Punjab and others

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Alka Chatrath, Advocate
for the petitioners in CWP-10324-2007.

Mr. VK Sandhir, Advocate
for the petitioners in CWP-9503, 9524 & 9525-2007.

Mr. Jugam Arora, Advocate
for the petitioners in CWP-10356-2007.

Mr. Manipal Singh Atwal, DAG, Punjab.

Ms. Kavita Arora, Advocate for respondent-MC, Ajnala.

AMAN CHAUDHARY, J. (Oral)

1. These cases involve similar issues and therefore, are being disposed of together.
2. The issue involved in the present cases is with regard to termination of the octroi Clerks who were working on contract basis on account of abolition of octroi posts and for granting regularization to them.
3. Learned counsel appearing for the Municipal Council, Ajnala, submits that petitioner Nos.1, 2, 3, 4 & 7 in CWP-10356-2007 have been

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appointed vide fresh appointment letters dated 25.04.2023, in terms of the order passed therein, based on which a resolution came into being, and qua them the said petition is rendered infructuous. A translated version of said resolution read thus:-

“Subject: Report on Contract and Recruitment of Sweepers
A letter No.-JAB-DSS-2021/24511-24513 dated 23/06/2021 was received from the Respectable Director Local Government Department, Punjab, in which instructions were given regarding recruitment of sweepers on contract basis by following prescribed procedure and giving preference to experienced candidates. While complying with this letter, the Nagar Panchayat Ajnala through Resolution No. 04 dated 11/08/2021 requested for 32 posts for the work of Sweepers. The approval of which was given by the Director, Local Government, Punjab vide letter No. S.-JB-DS-2021/38558 dated 16/09/2021.

Nagar Panchayat Ajnala vide letter No. 263 dated 04/10/2021 through Public Relations Unit, Local Govt. Department, Punjab, Chandigarh by giving an advertisement in leading newspapers, applications were sought to fill up 32 vacancies on contract basis.

A 4-member committee was constituted for checking the documents of the applicants vide resolution No. 21 dated 02/01/2023 of Nagar Panchayat Ajnala, approval of which was given vide letter No. 2023/9802 dated 25/01/2023 by Additional Deputy Commissioner, Urban Development, Amritsar.

Nagar Panchayat Ajnala received a total of 56 applications (Attached A). In which General (Male) 22, General (Female) 3, Backward Class 6, Backward Class (Female) 1, Schedule Caste 20, Schedule Caste (Female) 2 and General (AK) 2 applications were received. Apart from that Hon'ble Punjab and Haryana High Court in CWP No: 10356 of 2007, sweepers Sh.Jaspal Singh son of Sh. Puran Chand, Sh. Karam Chand son of Sh. Amar, Sh. Amarjit Singh son of Sh. Gurmeet Singh, Sh. Jagtar Singh son of Sh. Shinda Singh, Sh. Sucha Singh son of Sh. Atma Singh, Sh. Surinder Singh son of Sh. Amar have sought their reinstatement on the post they were working. A writ was filed before the Hon'ble Punjab and Haryana High Court seeking their reinstatement on the posts by the Nagar Panchayat Ajnala and now vide Diary No. 203 dated 06-01-2022 they have sought reinstatement. Which is pending under the consideration of the Hon'ble Punjab and Haryana High Court and the same has been admitted by the Hon'ble Punjab and Haryana High Court on 18-08-2008. In

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order to verify documents of each received applications sent by the applicants, Nagar Panchayat Ajnala Vide letter No. 1017 dated 03/02/2023, on dated 20/02/2023 time at 11.30 hrs. called all applicants vide two newspapers Dainik Bhaskar and Jagbani, and each applicant on dated 09.02.2023 by informing them through speed post/by hand.

Apart from this, in connection of the application received, the Legal Advisor of Nagar Panchayat Ajnala Mr. Daljit Singh Gill Advocate has given an opinion that "File of Hon'ble Punjab and Haryana High Court C.W.P No.10356 of 2007 State of Punjab and Others file and Letter No.-JAB-DSS-2021/2 4511-24513 dated 23/06/2021 which was received from the Director, Local Government Department, Punjab, in which instructions have been issued for recruitment of sweepers on contract by following the prescribed procedure and giving preference to experienced candidates. While complying with this letter, the Nagar Panchayat Ajnala through Resolution No. 04 dated 11/08/2021 requested for 32 posts for the work of Sweepers. The approval of which was given by the Director, Local Government, Punjab vide letter No. S.-JB-DS-2021/38558 dated 16/09/2021, after examining the same it has come to my notice that:-

1. Nagar Panchayat Ajnala received the application vide diary No: 203 dated 6-1-2022 in Hon'ble Punjab and Haryana High Court in CWP 10356 of 2007, Sh. Jaspal Singh son of Sh. Puran Chand, Sh. Karam Chand son of Sh. Amar, Sh. Amarjit Singh son of Sh. Gurmeet Singh, Sh. Jagtar Singh son of Sh. Shinda Singh, Sh. Sucha Singh son of Sh. Atma Singh, Sh. Surinder Singh son of Sh. Amar have sought reinstatement on the same post. This case of above named employees have been admitted by the Hon'ble Punjab & Haryana High Court on dated 18-08-2008 which is under the consideration of the Hon'ble Punjab and Haryana High Court. Since at the time of terminating above named employees employed on contract basis letter No. 389,393,381,391,383,387 Dated 26-06-2007, at that time while termination of services on contract basis, it was stated that the financial condition of Nagar Panchayat Ajnala is not good due to termination of Octrois. Therefore, we are unable to avail your services. Therefore, your services are being terminated on 26-06-2007. In case in future the Nagar Panchayat Ajnala would be capable of filling these posts, they will be employed on priority basis.

Since now Nagar Panchayat Ajnala is going to recruit the Sweepers on contract basis and case of above named applicants is pending adjudication before Hon'ble Punjab and Haryana High Court vide CWP No: 10356 of 2007 and which was admitted by Hon'ble Punjab and Haryana High

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Court on dated 18.08.2008 and Hon'ble Punjab and Haryana High Court had directed the Nagar Panchayat Ajnala as to what efforts are being made by you for employing the sweepers then in reply to the same Nagar Panchayat Ajnala on dated 22nd of August 2007 had tendered a statement before Hon'ble Punjab and Haryana High Court that Additional Advocate General Mr. Khosla has made Statement in the Court of Double Bench namely Hon'ble Judge Adarsh Kumar Goyal and Ajay Lamba that in the mean while contract for Sanitation will not be Auctioned on 22nd of August 2007. Therefore, case of these applicants is pending adjudication before Hon'ble Punjab and Haryana High Court. Therefore, according to my opinion at the time of filling above mentioned posts, it is mandatory to consider their services on priority basis and keeping in view of the same it may be kept in mind that if they are being employed on contract base as Sweeper then in concern of their writ, whatever decision is made by the Hon'ble Punjab and Haryana High Court in future then the employees shall be bound to comply the same. Therefore it will be appropriate to appoint the above said applicants who had filed their case in Punjab and Haryana high court on vacant posts. According to above prepared merit list and legal opinion may be kept for the consideration before the house.”

- 4. Insofar as the petitioners in the connected cases are concerned she, on instructions from Mr. Jatinder Mahajan, EO, Ajnala, submits that in terms of the order passed in CWP-10356-2007 and the Resolution issued in compliance thereto, they shall also be considered as and when the posts on which they were working, are being filled through proper procedure and in accordance with law.
- 5. The aforesaid satisfies the learned counsel for the petitioners.
- 6. The present petitions are disposed of in view of the statement made.
- 7. Photocopy of this order be placed on the connected files.

06.09.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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