



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(262) CWP No. 12177 of 2023
Date of Decision : 18.07.2024

Gagandeep Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

(108) CWP No. 15502 of 2024

Sukhwinder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Himmat Singh Sidhu, Advocate and
Mr. Inderpal Singh, Advocate for the petitioner
in CWP-12177-2023.

Mr. Bikramjit Singh Patwalia, Advocate with
Mr. Abhishek Masih, Advocate for the petitioner
in CWP-15502-2024.

Mr. Gaganeshwar Walia, Addl. Advocate General, Punjab

Harsimran Singh Sethi J. (Oral)

By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.



The grievance being raised by the petitioner(s) is that the Advertisement dated 10.11.2022 (Annexure P-4) by which the post of Punjab Civil Services (Executive Branch) to be filled from Register A-II and Register C, the reservation has not been given in accordance with The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 (hereinafter referred to as '2006 Act') and, therefore, the Advertisement in question is liable to be set-aside.

Learned senior counsel appearing on behalf of the petitioner(s) argues that once an appointment is being made in the 2006 Act, the respondents were under obligation to reserve the post for the Schedule Caste and non-reserving of the post for the said reserved category in the Advertisement dated 10.11.2022 (Annexure P-4) is arbitrary and illegal hence, the respondents are liable to be directed to withdraw the said Advertisement so as to issue a fresh Advertisement by giving due reservation to the Members of the Schedule Caste while filling up the vacancies to be filled from Register A-II and Register C.

Upon notice of motion, the respondents have appeared and have stated that the issue which is being raised in the present petitions, was also raised before this Court in CWP No. 12464 of 2014 titled as ***Gurmel Singh Vs. State of Punjab and others***, decided on 17.08.2016 and other connected case and after considering the settled principle of law, the Co-ordinate Bench held that as the posts from Register A-II/C are to be filled by way of nomination, there cannot be any reservation.



Learned counsel for the respondents submits that the issue raised in the present petitions is covered against the petitioner(s) by the said judgment.

Learned senior counsel appearing on behalf of the petitioner(s) submits that though the issue has been decided by the Co-ordinate Bench but the said judgment is pending consideration before the Division Bench in LPA No. 2078 of 2016 though there is no interim order qua the stay of the judgment of the Co-ordinate Bench.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the issue raised in the present petition has already been decided by the Co-ordinate Bench while passing order in ***Gurmel Singh (supra)*** and the said judgment has not been stayed by the Division Bench, the issue as of now, stands covered against the petitioner(s) by the pronouncement of the Co-ordinate Bench in ***Gurmel Singh (supra)***.

Learned senior counsel for the petitioner(s) has not been able to point out any differentiating facts between the case of the petitioner(s) and that of ***Gurmel Singh (supra)*** qua the claim raised in the present petitions.

The only argument raised is that judgment of the Co-ordinate Bench in ***Gurmel Singh (supra)*** is already pending consideration before the Division Bench. Merely that the LPA is pending against the judgment is no ground to ignore the said settled principle of law.

Petitions are accordingly dismissed in terms of the order passed by the Co-ordinate Bench in ***Gurmel Singh (supra)***.



Pending miscellaneous application, if any, also stands disposed of.

A photocopy of this order be placed on the file of connected case.

July 18, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No