



CWP NO.22824-2013(O&M) and connected case

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203) CWP NO.22824-2013(O&M)
DATE OF DECISION: 24.09.2024

Mukesh Kumar and othersPetitioners

VERSUS

State of Punjab and othersRespondents

CWP No.3650-2017(O&M)

Baldev RajPetitioner

versus

State of Punjab and othersRespondents

CORAM HON’BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present Mr.Vikas Chatrath, Advocate,
for the petitioner in CWP No. 22824-2013.

Mr. Munish Puri, Advocate,
for the petitioner in CWP No. 3650-2017.

Mr. Swapan Shorey, DAG, Punjab.

Mr. V.K.Shukla and Mr. Ashish Gupta,
Advocates for respondents no.4,5,8 and 9
in CWP No. 22824-2013.

Mr. Jasbir Singh Dadwal, Advocate,
for respondent no.6 in CWP-22824-2013.

Mr. S.S.Majithia, Advocate and
Ms. Chandanpreet Kaur Ahluwalia, Advocate,
for respondent no.7.

HARSIMRAN SINGH SETHI J, (ORAL)

1. By this common order, 2 writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

**CWP NO.22824-2013(O&M) and connected case****2**

2. Learned counsel for the petitioners submits that the petitioners competed for the posts of Junior Technician (Blacksmith), as advertised on 23.09.2011 (Annexure P-3). As per the advertisement, in case of any confusion with regard to the eligibility of a candidate, the same was to be adjudged by a High Powered Expert Committee, keeping in view the clause 10 of the advertisement.

2. Learned counsel for the petitioners submits that the petitioners have not been treated eligible and that too without seeking the report of the High Powered Expert Committee especially when, the department where the petitioners were to be appointed, was of a *prima facie* view that the petitioners fulfil the requisite qualification for appointment to the post in question.

3. Learned State counsel, on instructions from Mrs. Harvinder Kaur, Senior Asstt. and Mr. Varun Kakkar, Law Officer submits that a High Powered Expert Committee has already been constituted to look into the aspect qua the eligibility of the petitioners for the posts of Junior Technician (Blacksmith) and within a period of two months from today, the report will be submitted by the said Expert Committee and the department will take appropriate action required.

4. Learned counsel for the respondents further submits that in case the department comes to the conclusion that the petitioners are eligible to compete for the post, they will be given the said benefit otherwise, due reasons will be mentioned by passing a speaking order qua the eligibility of the petitioners after receiving the High Powered Expert Committee report.

5. Learned counsel for the petitioners submits that the petitioners are agitating their claim for the last 10 years hence, though, the present petitions may kindly be disposed of having been not pressed any further, keeping in view

the statement of the learned State counsel but, the State counsel be directed to file an affidavit upon expiry of the period of two months with regard to the compliance of the undertaking as recorded here-in-above.

6. Leaned counsel for the respondents submits that appropriate affidavit will be filed showing the compliance of the undertaking.

7. Keeping in view the above, as prayed for, the present petitions are disposed of having been not pressed any further, keeping in view the statement of the learned State counsel, with liberty to the petitioners in case, any adverse order is passed against them, they can avail appropriate remedy before appropriate authority.

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

9. A photocopy of this order be placed on the files of other connected cases.

24.09.2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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