

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No. 6282-2015 (O&M)
Date of decision: 06.03.2024

Jagnandan Singh and others ...Petitioners

vs.

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. P.S. Khuranna, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY. J.

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari, for quashing the order dated 22.12.2014 (Annexure P-1) passed by respondent No. 3, whereby the notional fixation of seniority and other claims have been ordered to be withdrawn.
2. Learned counsel submits that pursuant to advertisement of the year 2000 (Annexure P-2), the petitioners being eligible applied against the post of JET/ETT Teachers but could not be appointed despite being higher in merit on account of Code of Conduct. Lateron, the petitioners were issued appointment letters in the month of May/June, 2002. In the meantime, the candidates junior to the petitioners were appointed and they joined between December, 2001 and January, 2002. The petitioners thereafter approached this Court by filing CWP No. 23024-2013, which was disposed of on 21.10.2013 and were granted the benefit of notional fixation of seniority etc.

w.e.f. 26.12.2001. However, vide impugned order dated 22.12.2014, the said benefits were withdrawn on the ground that ETT Cadre is a District Cadre and the seniority has to be fixed accordingly but without awaiting for period of 7 days as mentioned in the show cause notice dated 28.11.2014 to expire or giving opportunity of hearing to them.

3. Learned counsel on instructions submits that the petitioners will be satisfied if the respondents are directed to reconsider their case in a time bound manner, after giving opportunity of hearing to them.

4. Learned State counsel is unable to controvert the aforesaid facts, and submits that the respondents would not be averse to have a relook at the matter.

5. In view of the aforesaid, the impugned order dated 22.12.2014 (Annexure P-1) being in violation of principles of natural justice, is set aside, leaving it to the respondent-Department to reconsider the matter and decide the same within a period of six months, after affording the petitioner an opportunity of being heard. The observations made herein would not be construed as an expression of opinion on the merits of the case.

6. The present petition stands disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

06.03.2024
G Arora

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