

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

2024:PHHC:163003-DB



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LPA No. 1997 of 2013 (O&M)

Date of decision:05th December, 2024

Jatinder Singh and others

..Appellants

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL.

HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Amandeep Kaur, Advocate for
Ms. Sonia G. Singh, Advocate for appellants.

Mr. R.S. Pandher, Sr. DAG Punjab.

LISA GILL, J(Oral)

1. Prayer in this appeal is for setting aside order dated 25.10.2013 passed by learned Single Judge, whereby the writ petition filed by appellants was dismissed.

2. Notice of motion was issued in this appeal on 21.01.2014 and it was directed that status-quo qua services of appellants be maintained. Appeal was adjourned to await the decision of Hon'ble Supreme Court in SLP(C)Nos.80-84 of 2013. On 18.09.2024, learned counsel for the State sought sometime to seek instructions in view of order dated 05.02.2024 passed by Hon'ble Supreme Court in SLP(C)Nos.80-84 of 2013 titled 'Rakesh Kumar and others Vs. State of Punjab and others. Hon'ble Supreme Court vide order dated 05.02.2024, allowed the appeals and set aside decision dated 19.12.2012 passed in LPA-2355, 2361, 2362, 2364 and 2365 of 2011. It was declared that appointments of the appellants therein who are admittedly identically situated as the present appellants are regular and their services be regularised with immediate effect from the date of their initial appointment.

3. On 26.9.2024, this Court was informed by learned counsel for State, on instructions from Gursewak Singh, Senior Assistant, Office of DPI that requisite number of vacancies are available but no further instructions were forth coming.

4. In view thereof, it was directed that affidavit of aforesaid authority, as to why benefit extended to identically situated persons i.e. Rakesh Kumar and others in SLP(C)Nos.80-84 of 2013 is not being extended to present appellants. 4.

5. Learned counsel sought time to seek instructions.

6. Affidavit dated 5.12.2024 has been filed in Court today with a copy thereof to learned counsel for appellants, the same is taken on record subject to just exceptions.

Para-3 of the affidavit reads as under:

“3. That in this regard it is submitted that the present appellants as well as identically situated persons belong to the advertisement and selection pertaining to the year 2006. The department is in the process of locating their selection record and even in the case of identically situated persons in SLP(C) No. 80-84 of 2013 no orders have yet been passed. Whereas, while passing orders regarding identically situated persons in SLP (C) No.80-84 of 2013, the claim of the present appellants will be considered accordingly.”

7. Considering the above facts and circumstances, impugned order dated 25.10.2013 is set aside and appeal is allowed in view of and in terms of order dated 05.02.2024 passed by Hon’ble Supreme Court in SLP(C)Nos.80-84 of 2013.

8. Pending application(s), if any, are disposed of, accordingly.

(LISA GILL)
JUDGE

05th December, 2024

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(SUKHVINDER KAUR)
JUDGE

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