

**CWP-8842-2018 1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(235)****CWP-8842-2018****Date of Decision : August 22, 2024****Parshotam Kumar Sharma and another****.. Petitioners****Versus****State of Punjab and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Hari Chand Arora, Advocate, for the petitioners.

Mr. Amarpreet Singh Bains, Assistant Advocate General,
Punjab.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the grievance of the petitioners is that they were selected in pursuance to the Advertisement dated 09.06.2013 and the other candidates who were selected in pursuance to the said advertisement, were appointed in the year 2013 whereas, the petitioners were not given appointment and the petitioners approached this Court claiming appointment by filing CWP No.2747 of 2014, which was decided on 20.04.2017, copy of which has been appended as Annexure P-1 after which the petitioners have been granted appointment as per the judgment of this Court and as the petitioners have been granted the appointment, the same has to relate back to the date when the other candidates, who were appointed in pursuance to the Advertisement dated 09.06.2013, were appointed with all consequential benefits.

2. After notice of motion, the respondents have filed the reply wherein, they have stated that the petitioners have been granted

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appointment in pursuance to the directions given by this Court in CWP No.2747 of 2014 and once, only direction given is to issue appointment order prospectively, the benefit being sought in the present writ petition, is not maintainable.

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

4. As the petitioners were denied the benefit of appointment, they have approached this Court by filing CWP No.2747 of 2014. Once, a Coordinate Bench has passed an order granting the appointment to the petitioners prospectively, the second writ petition to claim retrospective appointment will not be maintainable. In case, the petitioners were aggrieved in any manner that the petitioners are being given appointment prospectively, the said argument should have been raised at the time of the decision in CWP No.2747 of 2014. Failing to raise the said argument and accepting the appointment in pursuance to the direction given by the Coordinate Bench in CWP No.2747 of 2014, second writ petition claiming retrospective appointment will not be maintainable.

5. Even otherwise, the petitioners were claiming the benefit of appointment against the posts which have remained vacant. The petitioners were only appointed after the order passed by this Court granting interim relief of reserving the post, was vacated. Further, it is not a permanent appointment and is temporary appointment and therefore, the temporary appointment cannot be with retrospective effect. Hence, keeping in view the facts and circumstances mentioned above, the prayer of the petitioners for the grant of temporary appointment with retrospective effect is not

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maintainable.

6. At this stage, learned counsel for the petitioners submits that the candidates, who are appointed on temporary basis in pursuance to the same selection, have been regularized in the year 2017 keeping in view the number of years of service they have put in whereas, as the petitioners have been appointed at a later stage, their services have not been regularized hence, the respondents be directed to grant the benefit of consideration to the petitioners also by treating the petitioners on same footing as the other appointees under the same advertisement.

7. Learned State counsel submits that in case any representation is received at the hands of the petitioners with regard to the claim for regularization of their services, the same will be considered sympathetically and by keeping in view the facts and circumstances that the petitioners who were not appointed due to the interim order passed for reserving the post against which the petitioners have raised the claim, appropriate speaking order on the representation of the petitioners will be passed and in case, it is found feasible to grant the relief, the same will be granted, otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action.

8. The present writ petition is disposed of in above terms.

August 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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