



CWP-28124-2023 & connected case 1

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

(107) CWP-28124-2023
Date of Decision : July 31, 2024

Sarabjit Kaur and another .. Petitioners

Versus

State of Punjab and others .. Respondents

(107-A) CWP-4228-2024

Karamjeet Kaur .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Armaan Gagneja, Advocate, with
Mr. Gunjeet Brea, Advocate, for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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

2. In the present writ petitions, the challenge is to the orders dated 25.11.2023 (Annexures P-5 and P-6) by which, the services of the petitioners have been terminated.

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3. Learned counsel for the petitioners argues that the services of the petitioners have wrongly been terminated as the selection of the petitioners on the post in question was perfectly valid and legal.

4. Keeping in view the service of advance copy of petition, Mr. Arun Gupta, learned Deputy Advocate General, Punjab, has put in appearance on behalf of the respondents and submits that the posts against which the petitioners were working, were earlier being occupied by the petitioners in CWP No.19083 of 2017 and their services were terminated and they had filed a writ petition challenging the said action and while issuing notice of motion on 28.08.2017, it was directed to maintain status quo qua the post in question. Keeping in view the said status quo order, the appointment could not have been made qua the said posts but the previous Managing Committee, by ignoring the said order passed by this Court, gave appointment to the present petitioners and as the new Management Committee took over and it was found that the appointment of the petitioners was in contravention of the order passed by this Court in CWP No.19083 of 2017 dated 28.08.2017, in order to remedy the wrong done, the services of the petitioners have been terminated, which fact has also been mentioned in the impugned orders.

5. Learned counsel for the petitioners concedes the factum that the petitioners were appointed on the posts which were vacated by the petitioners in CWP No.19083 of 2017.

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

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7. The termination of the services of the petitioners in CWP No.19083 of 2017 was challenged in the said petition and the Coordinate Bench of this Court passed an order on 28.08.2017 to maintain status quo. Once the order was passed to maintain status quo, the post held by the petitioners therein, if the same was vacant on the said date then those posts had to be kept vacant.

8. Learned counsel for the petitioners has not been able to rebut that keeping in view the order passed by the Coordinate Bench of this Court dated 28.08.2017, no appointment could have been made on the post in question.

9. Once, the appointment of the petitioners was in contravention of the order passed by this Court and act done by the previous Managing Committee is being rectified by the New Managing Committee hence, no fault can be found on the part of new Managing Committee.

10. It may be noticed that in case in future, CWP No.19083 of 2017 is dismissed or disposed of and the right accrues to the petitioners to continue on the post keeping in view the selection already made, the petitioners will be free to agitate the same.

11. With the above mentioned observations, the present writ petitions are dismissed.

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

July 31, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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