
(2014) 11 P&H CK 0053

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 9896 of 1994 (O&M)

Tejinder Jit Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 19-11-2014

Acts Referred:

Citation : (2015) 1 SCT 142

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Advocate : Anurag Chopra, Advocates for the Appellant; Harkesh Manuja, Addl. A.G, Advocates for the Respondent

Judgement

Mahesh Grover, J.—The petitioners faced a selection process for appointment as drivers pursuant to an advertisement given on 6.1.1993. The petitioners were selected on 11.6.1994 which led to the appointment letters being issued on 29.6.1994 and 7.7.1994. However, vide subsequent letter dated 10.7.1994 these appointments were cancelled which is on record as Annexure P-6. The petitioners impugn this order and at the time of admission of the writ petition the operation of the impugned order was stayed. In the meantime, there was a challenge mounted to the action of the respondents in cancellation of the entire process of selection which was upheld by the judgment of this Court rendered in CWP No. 12348 of 1994 on record as Annexure R-2. While disposing of the aforesaid writ petition this Court has observed as follows:-

"As stated above, the record shown to us does furnish reasons and in the totality of facts and circumstances the order to scrape the selection cannot but be considered bona fide and is not arbitrary. We are, therefore, of the view that these petitions deserve to be dismissed. We order accordingly.

November 25, 1994

Sd/ A.P. Chowdhari Judge

Sd/- H.K. Sandhu Judge"

2. The petitioners now contend that since they have put in more than two decades of service with the respondents even though under the orders of this Court, it would be extremely harsh if the impugned order is upheld at this stage.

3. Respondents in turn refer to the decision of this Court where the action of scrapping of the entire selection was held to be bona fide and not arbitrary.

4. On due consideration of the matter, I am of the view that even though this Court has opined to uphold the action of the respondents in scrapping the selection yet the respondents are clearly at fault in not moving the Court appropriately at the relevant time to get the interim orders vacated or present writ petition disposed of in terms of the aforesaid CWP No. 12348 of 1994. It is on account of their laxity that the petition remained pending and the petitioners continued to enjoy the benefit of interim orders and thus the service itself. Having put in more than two decades of service and the respondents having extracted work from them it would be too harsh to submit the petitioners to the decision of the respondents in scrapping the selection to oust the petitioners from service at this stage. Petition is, thus, disposed of with a direction to the respondents to consider the case of the petitioners for absorption in service, if their work and conduct is otherwise satisfactory and grant them regular appointment and all consequential benefits arising therefrom.