

No. 3/34/2006-RC1/1163  
GOVERNMENT OF PUNJAB  
DEPARTMENT OF WELFARE  
(RESERVATION CELL)

To

All the Head of Departments,  
Commissioners of Divisions,  
Registrar, Punjab and Haryana High Court,  
All Deputy Commissioners,  
All District and Session Judges; and  
All sub divisional Magistrates (civil)  
in the State of Punjab

Dated, Chandigarh the 29.8.2007

**Subject: The Punjab scheduled castes & backward classes (Reservation in Services) Act, 2006-implementation thereof**

**Sir,**

**I am directed to refer to the subject noted above and to intimate that Section 4 (5) of “The Punjab Scheduled Castes and Backward Classes (Reservation in Services), Act 2006” had been challenged by way of Civil Writ Petition No. 16221 of 2006-Hardeep Singh and others Versus State of Punjab in the Hon’ble Punjab & Haryana High Court. This case along-with CM No. 18202 of 2006 came up for hearing on 19.7.2007 & the Hon’ble Court admitted this case and passed the following order:-**

“In C.M. No. 18202 of 2006 prayer for staying the operation of the impugned Section 4 (5) of the Punjab Scheduled Castes Backward Classes (Reservation in Service) Act, 2006, constitutional validity of which has been challenged before us has been made.

It is the contention of the counsel for the petitioners that the said Act by the Punjab legislature is totally in contravention to the decision rendered by the Supreme Court in E.V Chinniah V. State of Andhra Pradesh AIR 2005 Supreme Court 162 and was enacted to overreach the judgement of this Court on the instructions of 1975.

On the other hand, it has been contended before us that the State has got the power to enact a legislation with regard to reservation in the Scheduled Castes categories and in this regard it has been contended that the judgement of the Supreme Court which was rendered by 9-Judge Bench in Indira Sawhney V.Union of India 1992 Suppl.(3 SCC 217 and paras 803 and 813 to 819 of which had been specifically referred to answers this argument.

The appeal has to be heard at length with regard to the interpretation and effect of the judgement rendered by the Supreme Court in Indra Sawhney’s case (supra) as well in E.V. Chinniah’s case and subsequent judgements which will take some time. Hence admitted.

.....2,

As pursuant to the enactment of the aforesaid Act State of Punjab is appointing persons to various posts, therefore, we direct the Govt, of Punjab that in case they fill up any post pursuant to the enactment of the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, they must put the incumbent to notice that in case the petitioner succeeds in the petition, the appointment will not create any right in favour of such appointee”.

3. You are, therefore, requested to take necessary measures for the strict compliance of the above said directions/orders of the Hon’ble Court.

Yours faithfully

JOINT SECRETARY WELFARE

A copy is forwarded to All the Financial Commissioners, Principal Secretaries and Administrative Secretaries to Govt. of Punjab for necessary action.

JOINT SECRETARY WELFARE

To

All the Financial Commissioners,  
Principal Secretaries & Administrative,  
Secretaries, Punjab.

**I.D.No. 3/34/ 2006-RC1/1164**

**Dated, Chandigarh, the, 29.8.2007**