

Directorate of Governance Reforms, Punjab
Plot No. – D 241, Industrial Area, Phase-8B,
Sector – 74, Mohali – 160062

The Directorate of Governance Reforms (DGR) has been created to improve the internal governance by bringing/introducing reforms in the present system of governance and to achieve good governance through the use of Information Technology (IT) tools. DGR, through its Implementing Agency- Punjab State e-Governance Society (PSeGS), is executing various e-Governance projects under National e-Governance Programme (NeGP) and State e-Governance programme to improve service delivery for the general public and to transform the State into a digitally empowered society and knowledge economy.

In pursuance thereof, in order to implement enterprise architecture and various e-Governance projects, the following specialized IT manpower is required to be engaged for various departments and other government entities. Applications are invited from eligible candidates for the **contractual posts** initially for two years, renewable on evaluation and/or need basis, as mentioned below:

Sr. No.	Name of Post	Gross Monthly Remuneration (In Rs.)
1	Senior System Manager (SSM)	1,25,000/-
2	System Manager (SM)	85,000/-
3	Assistant Manager (AM)	55,000/-
4	Technical Assistant (TA)	35,000/-

The category wise break-up of the posts, eligibility, education qualifications and the selection criteria along with application fee etc., may be seen in detail in the previous detailed advertisement posted on the official website of DGR on 02.02.2020.

(Annexure-A)

1. Further to this advertisement dated 02.02.2020, The Punjab State Suwidha Karamchari Union has filed the Civil Writ Petition (CWP-14696/2015) before the Hon'ble Punjab and Haryana High Court, Chandigarh impleading the State of Punjab, PSEGS, 22 District Sukhmani Societies for issuance of writ, order or direction in the nature of certiorari for quashing the RFP of Sewa Kendras (2014) and issuance of writ in the nature of mandamus directing the State Government for regularization of their services.
2. The matter came up for hearing (through VC) before the Hon'ble High Court on 1.06.2020, 10.06.2020, 16.06.2020 and 18.06.2020 respectively. The Hon'ble

High Court after hearing the parties at length vide order dated 18.06.2020 dismissed the CM No 3210 of 2020 and disposed off the CM Nos 4137, 4150 and 4170 filed by the state and in pursuance to reply dated 21.05.2020 ordered to give benefit of the age relaxation the members of the petitioner union upto to the extent of the period to which the members of the petitioners union had worked in Suwidha centers. A copy of the order dated 18.06.2020 passed by the Hon'ble High Court is placed at (**Annexure-B**).

3. Pursuant to this order, the following corrigendum has been issued by the department :

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<p style="text-align: center;"><i>Punjab State e-Governance Society O/o Directorate of Governance Reforms, Punjab D-241, Phase-8B, Sector-74, SAS Nagar Mohali</i></p>
<p style="text-align: center;"><u>Corrigendum</u></p> <p><i>Further to advertisement for IT Cadre posts issued on 02.02.2020, online applications for the posts of SSM, SM, AM and TA are invited from the eligible candidates having previous relevant experience in Suwidha Kendras in pursuance to the decision of Hon'ble Punjab & Haryana High Court in CWP No.14696/2015 in the Punjab State Suwidha Karmchari Union vs State of Punjab & others. All other terms and conditions shall remain unchanged. Applications for the respective posts must be received online not later than 14.08.2020 by hours at the url- https://ctestservices.com/DGR/ For details please visit- dgrpg.punjab.gov.in. All further corrigendum shall be posted on website.</i></p> <p style="text-align: right;"><i>Member Secretary</i></p>

4. In accordance with the aforesaid decision of Hon'ble Punjab & Haryana High Court, Chandigarh, eligible candidates, in terms of the decision of Hon'ble High Court with reference to the affidavit (**Annexure-C**) by Director, Governance Reforms, Punjab, may send in their online applications by 14.08.2020 at 5:00 pm on <https://ctestservices.com/DGR/>.
5. The candidates who have already applied, in response to our advertisement dated 02.02.2020, need not apply again.

Dated:..31.07.2020

Member Secretary

Directorate of Governance Reforms, Punjab
Plot No. – D 241, Industrial Area, Phase-8B,
Sector – 74, Mohali – 160062

Recruitment notice

The Directorate of Governance Reforms (DGR) has been created to improve the internal governance by bringing/introducing reforms in the present system of governance and to achieve good governance through the use of Information Technology (IT) tools. DGR, through its Implementing Agency- Punjab State e-Governance Society (PSeGS), is executing various e-Governance projects under National e-Governance Programme (NeGP) and State e-Governance programme to improve service delivery for the general public and to transform the State into a digitally empowered society and knowledge economy.

In pursuance thereof, in order to implement enterprise architecture and various e-Governance projects, the following specialized IT manpower is required to be engaged for various departments and other government entities. Applications are invited from eligible candidates for the **contractual posts** initially for two years, renewable on evaluation and/or need basis, as mentioned below:

Sr. No.	Name of Post	Gross Monthly Remuneration (In Rs.)
1	Senior System Manager (SSM)	1,25,000/-
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4	Technical Assistant (TA)	35,000/-

Category wise breakup of posts:

S. No	Name of the post	No. of Posts (Category-wise)								Total
		General	SC	BC	Ex-serviceman	Handicapped	EWS (Gen)	Freedoms Figther	Sports person	
1	Senior System Manager	1	1	0	0	0	0	0	0	2
2	System Manager	8	5	2	2	1	1	0	0	19
3	Assistant Manager	23	15 (including 2 ex-service man & 1 sports person)	7 (including 1 ex-serviceman)	4	2	5	0	1	57

4	Technical Assistant	96	62 (including 9 ex-service man & 3 Sports person)	29 (including 5 ex-service man)	18	10	24	2	5	246
	Total									324

Eligibility and educational qualifications:

Name of the Post	Essential Qualification/Eligibility The age must be between 18 to 37 years (as on January 1, 2020) and the candidate must possess the required educational qualifications as on the date of advertisement.
Senior System Manager (SSM)	(a) Should possess a degree in B.E/B.Tech in Information Technology/Electronics and Communication/Computer Science and MBA from a recognized university or institution with minimum of 50% marks in aggregate in each case and should have an experience of nine years in the field of Information and Communication Technology; OR (b) Should possess a Master's degree in Computer Applications and MBA from a recognized university or institution with minimum of 50% marks in aggregate in each case and should have an experience of eleven years in the field of Information and Communication Technology
System Manager (SM)	(a) Should possess a degree in B.E/B.Tech in Information Technology/Electronics and Communication/Computer Science and MBA from a recognized university or institution with minimum of 50% marks in aggregate in each case and should have an experience of four years in the field of Information and Communication Technology; OR (b) Should possess a Master's degree in Computer Applications and MBA from a recognized university or institution with minimum of 50% marks in aggregate in each case and should have an experience of six years in the field of Information and Communication Technology
Assistant Manager (AM)	(a) Should possess a degree in B.E/B.Tech in Information Technology/Electronics and Communication/Computer Science and MBA from a recognized university or institution with minimum of 50% marks in aggregate in each case OR (b) Should possess a Master's degree in Computer Applications and MBA from a recognized university or institution with minimum of 50% marks in aggregate in each case and should have an experience of two years in the field of Information and Communication Technology

Technical Assistant (TA)	<p>(a) Should possess a degree in B.E or B.Tech in Information Technology/Electronics and Communication/Computer Science from a recognized university or institution with minimum of 50% marks in aggregate in each case</p> <p>OR</p> <p>(b) Should possess a Master's degree in Computer Applications from a recognized university or institution with minimum of 50% marks in aggregate and should have an experience of two years in the field of Information and Communication Technology</p>
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Apart from the above basic qualifications, a candidate applying for any of the above said posts **must have qualified in Punjabi Language up to matric standard** or its equivalent from any recognized institute/Board or should have passed the Punjabi language proficiency test held by Department of Languages, Government of Punjab.

1. Selection Criteria:

The evaluation for post of **Senior System Manager (SSM), System Manager (SM) and Assistant Manager (AM)** shall be as under: -

Sr. No.	Selection Stage	Maximum Marks	Weightage (in %)
1	Written Test – 100 questions in 2 hours	100	80%
2	Final Interview	100	20%
	Total	200	100%

However, the selection of the Candidates of the post of **Technical Assistant** shall be based **on the merit of the written test only**. There will be **no interview for the post of Technical Assistants**.

2. Examination Centre:

The examination center would be either be in Chandigarh or SAS Nagar (Mohali). The exact date and time for the examination shall be intimated to all the candidates by email and a notice in this regard shall also be placed on the website (www.dgrpunjab.gov.in). Once the examination center is allotted, no request for any change in the examination center shall be entertained.

3. Application fee:

The applications to the advertised posts shall be made online through the web portal (www.dgrpunjab.gov.in). Applications sent by any other mode will not be accepted/ considered and will be summarily rejected without intimation to the sender. The requisite **Non-refundable** fees of **Rs. 1000/- for General Category** candidates, **Rs. 500/- for Physically Disabled Category** candidates and **Rs.250/- for SC/BC Category** Candidates must be deposited online by **5:00 pm** along with the application. Fee relaxation for SCs/BCs-1/4th of the prescribed fee as per circular no.6961-WG-53-62307 dated 21.08.1953 [Para

2(iii)] and for Physically Disabled Category candidates- 50% of the prescribed fee as per circular no. 7/8/2011-7SS/1015 dated 6.9.2011.

4. Age Relaxation:

- i. For SCs/BCs – 5 years over and above the General Category as per circular no.10972-4WGI-65/3205 dated 16.02.1966 and Circular no.2/116/78-8001 dated 24.01.1979
- ii. For Physically Handicapped candidates of State of Punjab only – 10 years over and above the General Category will be given as per circular No. 10/45/98/5SS/623 dated 28.07.1999

5. Reservation:-

- a. Reservation will be provided as per State Govt. reservation policy.
- b. Ex-servicemen seats will first be filled by Ex Servicemen candidates, even if the Lineal decedents of Ex-servicemen are higher in merit, provided that the respective Ex-servicemen qualifies the minimum criteria. (As per notification no. No. G.S.R.11/Const./Arts. 309,234 and 318/82, dated 02.02.1982)
- c. Age relaxation equal to the length of Military Service will be given to the Ex-servicemen. A further relaxation of 3 years may also to be provided to the Ex-servicemen. (As per notification no. No. G.S.R.11/Const./Arts. 309,234 and 318/82, dated 02.02.1982)
- d. District Sainik Welfare Officer is the competent authority to issue the certificates (Sample certificate as per **annexure-A**) to the Ex-Servicemen and their Lineal decedents.
- e. The eligibility criteria for disabled applicants is permanent disability of 40% or above. The competent authority to issue permanent disability certificate is Civil Surgeon. Reservation shall be given to the candidates belonging to handicapped category, as per circular no.1/1/2017-3DC/1588894/1 dated 03.10.2019.
- f. For candidates belonging to Freedom Fighter category, reservation in available only up to 3rd generation of Freedom Fighter as per State Govt. instructions. (As per notification no.14/4/2011-ਫਫ/1314 dated 19-10-2012). The competent authority to issue such certificate is Deputy Commissioner.
- g. For candidates belonging to Sports category, gradation certificate issued by Director Sports will be considered. The certificates issued by the Universities are also to be graded the Sports Department. (As per notification no.47/26/83-1SS/2036, dated 10.12.1997).
- h. The gradation i.e. A, B & C will be based on the level of players i.e. International, National etc. and also on the basis of having won medals i.e. Gold, Silver etc. The Department of Sports already has issued notification (no.47/26/83-1SS/1457, dated 18.08.2008) on minimum level (International, National and State etc.) as well as achievement level criteria for consideration for a particular level job.

6. The Examination

- g. Every candidate will undergo the same written test. The multiple choice questions test paper will have a total of 100 questions of 1 mark each, which are to be attempted in 2 hours. The distribution of marks will be 60% Technical & 40 General as per the syllabus detailed above.
- h. To qualify for the written examination, a candidate would be required to score at least 40% marks from technical section and 40 % in aggregate (both sections combined) which means minimum 24 marks in technical and 40 marks overall.
- i. Each question rightly attempted will carry 1 mark and there will be a negative marking of 0.25 for each wrong answer.
- j. The broad syllabus for the test would as under:-

60% Technical comprising of: -

- Project Management
- Basic Programming
- Solution architecture (Questions will be of B.Tech/B.E level)
- Networking
- Cloud
- OS
- MS office

40% General comprising of:-

- Mental Ability
- Test of Reasoning (Questions will be of Bank PO level)
- English Language

7. Shortlisting of Candidates and Interviews

- a. Candidates equal to three times the number of advertised posts (category wise), out of the candidates, who would qualify the written examination, shall be invited for the Interview in case of the position of SSM, SM & AM.
- b. A category wise waiting list, equal to 25% of the advertised posts, shall be prepared, in addition to the candidates finally selected in the interview.
- c. The final selection list and waiting list shall be displayed on the website. (www.dgrpunjab.gov.in).

8. General Terms and Conditions

- k. Only eligible candidates will be called to participate in the selection process. Intimation in this regard will be given via emails and a notice in this regard will also be uploaded on website: www.dgrpunjab.gov.in. The applicants may, therefore, go through all the terms and conditions carefully before applying for the post.
- l. A candidate can apply for more than one technical position, if eligible. Since the technical qualification for all the posts is same, candidates for all the posts will undergo one examination. Separate examinations would not be conducted for separate posts.
- m. An eligible candidate would be considered for all the positions, s/he has applied for. This means that his marks in the written test would be considered for all the positions he has applied and his inter se merit will be separate for all the categories s/he has applied for. However, there will be separate interviews for each position and a qualified candidate shall have to appear in all the interviews separately, if s/he is shortlisted for more than one categories.
- n. Incomplete or forms filled with wrong information the candidature shall stand automatically cancelled/rejected and shall not be considered for further processing
- o. For determining candidature, eligibility, and selection criteria, the decision of the competent authority shall be binding and mere application does not entitle a candidate the right to participate in the selection process. Any candidate found to be lacking the basic qualifying criteria can be disqualified at any stage. No communication for rejection of candidature shall be issued. The decision of the competent authority in this regard shall be binding and final.
- p. The candidates will have to attend the examination/interview at his/her own cost and no TA/DA shall be paid.
- q. Competent authority reserves the right to post/ depute the selected candidates in any of the departments/Government Entities/ Branches/ Districts in Punjab or outside Punjab.

- r. The selected candidates would work on fixed emoluments (consolidated) per month as indicated above for the first year with 6% increase in the second year onwards based on evaluation. After completion of second year, selected appointees would have to undergo an evaluation and on the successful completion of this evaluation, the contract may be renewed on year to year basis, subject to the need/requirement.
- s. Competent authority reserves the right to modify the number of posts advertised and modify or withdraw the recruitment notice without assigning any reason. The decision of the Competent Authority will be absolute and final in this regard.
- t. Competent authority reserves the right to defer, cancel or postpone the selection process at any time without assigning any reasons.

9. Online Applications :

- i. The candidates can **only** apply for these posts by filling Online Application Form, a link to which is available on the website of the Department of Governance Reforms (www.dgrpunjab.gov.in).
- ii. All the updates/ information related to this recruitment, including the date of examination, will be posted on www.dgrpunjab.gov.in
- iii. The last date for filing online applications is 5 PM, February 21st , 2020. No application submitted later than that will be entertained.

**Director, Governance Reforms
-cum MS, PSeGS , Mohali**

Dated:-.....

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM Nos.4869 & 4870 of 2020;
CM No.4137 of 2020
In CM No.3210 of 2020
In CWP No.14696 of 2015

Punjab State Suwidha Versus **State of Punjab & others**
Karamchari Union

Present:- Mr. Gurinder Singh Gill, Senior Advocate, with Mr. J.S. Gill, Advocate, for the petitioner (applicant in CM No.3210 of 2020).

Mr. Atul Nanda, Advocate General, Punjab with Mr. Avinit Avasthi, Assistant Advocate General, Punjab, for respondent Nos.1 and 2 (applicants in CM Nos.4869 and 4870 of 2020).

Mr. Shekhar Verma, Advocate, for respondent Nos.3 to 25. (Applicants in CM No.4137 of 2020).

.....
Heard through Video Conferencing.

CM No.4869 of 2020

Application for preponing CM No.3210 of 2020 and CWP No.14696 of 2015 to an earlier date, is disposed of.

CM No.3210 of 2015 is preponed and is taken up for hearing for today.

CM Nos.3210, 4137, 4850 & 4870 of 2020

CM No.3210 of 2020 has been filed on behalf of petitioner – Punjab State-Suwidha Karamchari Union, for staying the recruitment and selection process in terms of advertisement dated 02.02.2020 (Annexure A-2) for various posts and to direct the respondent – State to first adjust the surplus employees of the petitioner – Union against these posts.

In CWP No.14696 of 2015 [2]

The State of Punjab established Punjab State E-Governance Society (PSEGS) and District Societies for Citizen Services. The primary objective of PSEGS is to administer the implementation of e-governance projects for the overall benefit of the citizens and public by setting up necessary administrative, financial, legal and technical framework and resources in the State of Punjab and also to facilitate establishment of service centers through the District Sukhmani Societies/District E-Governance Societies; by way of providing public facilitation and citizen services where public can get various desired information and services.

The petitioner is a duly registered Trade Union under the Trade Unions Act, 1926, which provide integrated services pertaining to various departments under one roof to the public and its employees in various Suwidha Centers at the district levels under the framework of PSEGS. There are approximately 161 Suwidha Centers, rendering about 70 citizen centric services, and 1023 employees work in different capacities throughout the State of Punjab. In this way, the State established 'Single User Window Disposal and Help Line For Applicants'. The facilitation charges/fee charged from the public for availing such services is being duly notified and revised by the Government from time to time. The Government has complete administrative and supervisory control over the establishment, management and smooth running of Suwidha Centers being by the Sukhmani Societies for Citizen Services. The Deputy Commissioner of the concerned district is the Chairman/Chief Executive Officer of the District Sukhmani Society for Citizen Services. The members of the Society were appointed on contract/work charge basis after issuing advertisement in the newspaper and appointment letters for various posts under Suwidha Centers

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I attest to the accuracy and

in the State of Punjab were issued by the Deputy Commissioner(s).

In CWP No.14696 of 2015 [3]

Vide Notification dated 20.11.2014, State Government decided to set up Unified Citizen Service Delivery Centers (UCSDCs) in both rural and urban areas. Respondent No.3 – PSEGS issued a 'Request for Proposal' for selection of service operators to operate, maintain and manage Sewa Kendras, proposed to be established in pursuance of the aforesaid notification. These Sewa Kendras are meant for providing all government services in rural and urban areas under one roof. The State decided to establish approximately 1780 and 424 Sewa Kendras in rural and urban areas to provide 223 citizen centric services.

As per the above development, the existing Suwidha Centers will be taken over by the selected service operators and the employees of Union working in these Suwidha Centers will become employees of the appointed service operator(s). M/s BLS, E-Services was appointed as the agency for running these centers and the employees of petitioner – Union were thrown out of the jobs. The employees of petitioner – Union have put in almost 10 years' service. The employees are out of job since 2016 and are not even eligible to apply, because of age limit, for the posts of Senior System Manager, System Manager, Assistant Manager and Technical Assistant, sought to be filled up by inviting applications in pursuance of advertisement dated 02.02.2020.

In this backdrop of facts, the petitioner – Union has prayed that the selection process in terms of advertisement dated 02.02.2020 (Annexure A-2) may kindly be stayed and the respondent - State be directed to first adjust the surplus employees against these posts, in view of the fact that they have rendered 2-10 years of service in the Suwidha Centers in terms of the conditions of 'Request Proposal Form'.

In CWP No.14696 of 2015 [4]

The Division Bench of this Court on 27.02.2020, after considering the contentions of learned senior counsel for the petitioner, passed the following interim order :-

“It is contended that without deciding the fate of almost 1024 employees working since 2004 in the various Suwidha Centres in the State of Punjab on contract basis, the Government of Punjab (Directorate of Governance Reforms) is proceeding to fill up afresh the said posts on contract basis under the aegis of Directorate.

Notice of CM for date already fixed in the main case i.e. 25.03.2020.

Till the next date of hearing, further process pursuant to advertisement dated 02.02.2020 (A-2) shall be kept in abeyance.”

Now, CM No.4137 of 2020 alongwith reply to CM No.3210 of 2020 has been filed on behalf of respondent Nos.3 to 25, seeking vacation of ex parte interim stay granted vide aforesaid order dated 27.02.2020, taking preliminary objections that the main writ petition has been filed by the petitioner employees' Union seeking protection of their services rendered in the erstwhile District Sukhmani Societies on the district levels, which were self sustaining entities with no financial grant from Government of Punjab. The appointments were largely outsourced through service providers/contractors. The government decided to start Sewa Kendra project throughout the State with standard software and service delivery process via an open tender. The services rendered by the District Sukhmani Societies have been assigned to private service operators, rendering these Societies as redundant, and as such the main petition itself has been rendered infructuous, in as much as, the petitioner – Union took no step to challenge the taking-over of their work by the private operators. Though, respondent

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wrote a letter dated 04.07.2016 to private service operator i.e. M/s BLS

In CWP No.14696 of 2015 [5]

International Private Limited to take over the existing manpower of Suwidha Centers on the last drawn wages, but instead of joining the service operator, the employees went on strike from 07.09.2016.

Vide letter dated 09.05.2019 (Annexure R-1/3), all departments of Government of Punjab were called upon to surrender certain regular sanctioned posts alongwith commensurate budget.

Vide advertisement dated 02.02.2020 (Annexure R-2/3), establishment of 'IT Cadre' in the State has been approved with an objective to deploy core IT manpower and its entities. The process has already started and 20 departments have surrendered 536 posts in all whereas 324 posts are being sought to be filled up by way of ongoing selection process. It is stated that prospective IT staff would work in various departments to promote and assist in the formation and implementation of IT and Government Reforms related policies of the department. Their functions and the job profile is not related to the petitioner – Union who was hired by Sukhmani Societies mainly for data entry work. The prospective appointees would be discharging official duties akin to regular posts in various departments of the State and their service conditions would be governed by the rules and regulations applicable to the government employees.

It is evident from the contents of reply that current selection/recruitment process is for making appointments to the posts at the level of Government. Sukhmani Societies and Government are separate entities. It is also evident from the reply that the petitioners who fulfil the eligibility criterion and possess necessary qualifications can certainly participate in the selection process. Moreover, all formalities in regard to the selection process are complete and admit cards have already been generated.

Separate CM No.4870-CWP of 2020 has been filed on behalf of respondent Nos.1 and 2 – State, seeking vacation of ex parte interim stay issued vide order dated 27.02.2020, reiterating the facts mentioned in the reply filed on behalf of respondent Nos.3 to 25.

It is pertinent to mention here that the respondent – State is willing to ready to extend the benefit of age relaxation towards consideration for the post(s) advertised on 02.02.2020 to the members of the petitioners – Union to the extent of their work periods with the Suwidha Centres/ Suwidha Kendras on contract basis. This fact is evidence from order dated 06.03.2020, the relevant portion of which is reproduced as follows:-

“....Learned State counsel, on instructions from Mr. Parminder Pal Singh Sandhu, Director, Department of Governance Reforms-cum-Member Secretary, Punjab State E-Governance Society, submits that the Punjab State E-Governance Society is ready and willing to extend the benefit of age relaxation towards consideration for the post(s) advertised on 02.02.2020 to the members of the petitioners- Union, to the extent of their work periods with the *Suwidha Centres / Suwidha Kendras* on contract basis. He prays for short adjournment to file a comprehensive reply.”

Pursuant to the aforesaid order, Mr. Parminder Pal Singh, Director, Department of Governance Reforms, Punjab, has filed an affidavit dated 21.05.2020, through CM No.4850 of 2020, reiterating the aforesaid statement made by the learned State counsel. The said reply/affidavit is taken on record.

A perusal of the record reveals that the petitioner – Union has sought to mislead by creating an impression as if 324 posts for the IT cadre have been created in respect of Sewa Kendras and the members of petitioner

In CWP No.14696 of 2015 [7]

has misconceived the IT cadre posts as if the same were created for Sewa Kendras and they are liable to be adjusted against the IT cadre posts.

Sewa Kendras (erstwhile Suwidha Kendras) provide front and citizen services on the field throughout the State under one roof and facilitate the interface between citizens and Government. The core function of Sewa Kendra employee is to receive, do data entry and deliver the citizen services. On the other hand, IT cadre has been created to assist the State Government departments and entities under their purview in conceptualizing, designing, monitoring and managing the Information Technology and e-governance initiatives across the State. In other words, the nature of functions envisaged for IT cadre is to facilitate and strengthen State Government departments to enable them to formulate, plan implementation and manage e-governance programmes, helping State Government departments in adoption of suitable or upcoming technologies for improved governance and service delivery.

The manpower engaged by the Sewa Kendras is essentially involved in data-entry. In most cases, the requisite qualification was 10th or 12th pass. On the other hand, the minimum qualification for the IT cadre is B.Tech or MCA with experience in the Information and Communications Technology field.

The main grievance of the petitioner is qua notification dated 20.11.2014 issued by the Government of Punjab for setting up Unified Citizen Services Delivery Centers (Sewa Kendras) and a Request for Proposal dated 28.11.2014 issued by respondent No.3 – PSEGS inviting private operators to manage and operate such Sewa Kendras. The petitioner objected to the aforesaid notification and Request for Proposal to the extent

their ambit and manpower employees in the pre-existing Suwidha Kendras would also be taken over by the operators of the Sewa Kendras, whereas IT cadre created by the State of Punjab has no connection whatsoever with the erstwhile Suwidha Kendras or Sewa Kendras currently operating in the State.

Further the contracts awarded pursuant to Request for Proposal dated 28.11.2014 have been terminated on 18.06.2018 (Annexure R-3) based on a policy decision taken by the Government of Punjab. Thereafter, a fresh tender (Annexure R-4) was floated for 512 Sewa Kendras in the year 2018, pursuant to which, a private service operator has been awarded the contract for managing and operating such Sewa Kendras. The petitioner neither challenged the termination of contracts under old Request for Proposal nor has it challenged the fresh Request for Proposal or contracts. As such, the petitioner has clearly abandoned its rights.

Most of the manpower of the erstwhile Suwidha Kendras was engaged through outsourcing or job-work basis, consistent with the Memorandum of Association of District Sukhmani Societies. The contracts were entered into by District Sukhmani Societies and not by the State Government. On the other hand, IT cadre will be contractual employees of the Government of Punjab. Moreover, IT cadre has a budgetary allocation having been carved out posts of the Government departments. Hiring of manpower in the Sewa Kendras as adhoc, based on the requirements of concerned District Sukhmani Societies, whereas IT cadre is pursuant to the Department of Governance Reforms Rules with the approval of Council of Ministers and IT cadre employees are to be recruited, deployed and monitored by the Government of Punjab.

In CWP No.14696 of 2015: [9]

At this stage, learned counsel for the petitioner – Union vehemently argued that if the members of the Union are allowed to participate in the selection process, their wide experience of Suwidha Centers should also be taken into consideration and due weightage should be given. In this context, we are not persuaded to issue any such direction as it is the prerogative of the Appointing Authority/ Selection Committee, to lay down the selection criteria keeping in view the requirement of the post upon which recruitment is being made. However, this experience will no doubt hold them in good stead in evaluation of the comparative merits of the candidates.

In view of the aforesaid observations, we find no merit in CM No.3210 of 2020 and the same is dismissed. However, it is made clear that as per the reply/affidavit dated 21.05.2020 filed by Mr. Parminder Pal Singh, Director, Department of Governance Reforms, Punjab, benefit of age relaxation towards consideration for the posts advertised on 02.02.2020 to the members of the petitioner – Union, to the extent of their work period with the Suwidha Centers/ Suwidha Kendras shall be given.

CM Nos.4137, 4850 and 4870 of 2020 also stand disposed of.

The main writ petition is already fixed for 20.07.2020.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

June 18, 2020

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**BEFORE THE HON'BLE HIGH COURT FOR THE STATES OF
PUNJAB AND HARYANA AT CHANDIGARH**

CM NO. of 2020

IN

CWP NO. 14696 of 2015

Punjab State Suwidha Karamchari Union. ...Petitioners

Vs.

State of Punjab and Others. ...Respondents

INDEX

Sr. No.	Particulars	Dated	Pages	Court Fee
1.	Application for vacation of stay	21.05.2020		
2.	Affidavit in support	21.05.2020		
3.	Annexure R-1 (IT Cadre Policy)			
4.	Annexure R-2 (List of employees who applied for IT Cadre posts)			
5.	Annexure R-3 (Order of termination)	18.06.2018		
6.	Annexure R-4 (Tender)	2018		
7.	Annexure R-5 (Letter)	04.05.2020		

Place: Chandigarh
Dated : 21.05.2020

Government Pleader Punjab

noted CWP seeking their adjustment against 324 posts of IT cadre advertised by Punjab State E-Governance Society (PSEGS) on 02.02.2020. The matter came up for hearing on 27.02.2020 before this Hon'ble Court and following order was passed:

"CM No.3210 of 2020 :

It is contended that without deciding the fate of almost 1024 employees working since 2004 in the various Suwidha Centres in the State of Punjab on contract basis, the Government of Punjab (Directorate of Governance Reforms) is proceeding to fill up afresh the said posts on contract basis under the aegis of Directorate.

Notice of the CM for date already fixed in the main case i.e. 25.03.2020.

Till the next date of hearing, further process pursuant to advertisement dated 02.02.2020 (A-2) shall be kept in abeyance."

5. That the Respondent no. 3 filed C.M no. 4136 of 2020 for vacation of stay and reply to the above said C.M No 3210 of 2020 stating that the Department had already started the process in pursuance to the advertisement dated 02.02.2020 and the date for the examination had already been fixed i.e. 15.03.2020. The Hon'ble Court after hearing arguments passed the order dated 6.03.2020, the relevant portion of the same is as under:

"Learned State Counsel, on instructions from Mr. Parminder Pal Singh Sandhu, Director, Department of Governance Reforms-cum-Member Secretary, Punjab State E-Governance Society, submits that the Punjab State E-Governance Society is ready and willing to extend the benefit of age relaxation towards consideration for the post(s) advertised on 02.02.2020 to the members of the petitioners-Union, to the extent of their

work periods with the Suvidha Centres/Suvidha Kendras on contract basis. He prays for short adjournment to file a comprehensive reply.

Adjourned to 25.03.2020, the date already fixed in the main case.

Interim order dated 27.02.2020 to continue till the next date of hearing. "

6. That the present affidavit is being filed to supplement the reply to CM No. 3210 of 2020 and the submissions in the Application seeking vacation of stay filed by Respondent no. 3 by way of filing CM. No. 4136 of 2020.
7. That at the outset, it is necessary to clarify that the relief sought by the Petitioners in CM No. 3210 of 2020 bears no nexus with the subject matter of the main Writ Petition. The main grievance of the Writ Petitioners was qua a notification dated 20.11.2014 issued by the Government of Punjab for setting up Unified Citizen Services Delivery Centres (Sewa Kendras) and an RFP issued on 28.11.2014 by the Respondent No. 3 (PSEGS) inviting private operators to manage and operate such Sewa Kendras. The Petitioners objected to the aforesaid, to the extent that such Sewa Kendras would include the pre-existing Suvidha Kendras within their ambit and manpower employed in the pre-existing Suvidha Kendras would be taken over by the operators of the Sewa Kendras. The Petitioners were essentially aggrieved by privatisation of operations of the pre-existing Suvidha Kendras and had sought regularisation of their services by the Government of Punjab.
8. Whereas, in CM No. 3210 of 2020, the Petitioners have sought a direction to first adjust the employees of the erstwhile Suvidha Kendras represented by the Petitioners against newly created posts for an IT

cadre, before proceeding with recruitment of professionals for such cadre pursuant to an advertisement issued on 02.02.2020 by PSEGS.

9. That the IT cadre created by the State of Punjab has no connection with the erstwhile Suvidha Kendras or Sewa Kendras currently operating in the State of Punjab. This can be demonstrated as under:

- (i) Sewa Kendras (like the erstwhile Suvidha Kendras) provide front end citizen services on the field throughout the State under one roof, and facilitate the interface between citizens and the Government. For instance, Sewa Kendras accept applications for various kinds of certificates, licenses, payment of bills etc. If necessary, the citizens are helped in preparing the applications. The core job of a Sewa Kendra Employee (or erstwhile Suvidha employee) was to collect the applications and make the entries of relevant data into the system. Such applications are examined by the respective departments separately. In case, any certificate or license is to be issued, it is delivered back to the citizen through the Sewa Kendras. So, the core function of Sewa Kendra employee is to receive, do data entry and deliver the citizen services/ applications.
- (ii) The IT Cadre on the other hand, has been created to assist the State Government departments and entities under their purview in conceptualizing, designing, monitoring and managing the Information Technology (IT) and e-Governance initiatives across the State. The purpose of the IT cadre is to strengthen technical

resources of the Administrative Departments (ADs) and the entities under their purview for implementation of various sectoral reforms and e-Governance Projects.

(iii) The nature of functions envisaged for the IT Cadre are illustratively enumerated as under:

(a) to facilitate and strengthen State Government Departments to enable them to formulate, plan, implement and manage e-Governance programmes/ initiatives;

(b) To help State government departments in adoption of suitable or upcoming technologies for improved governance and service delivery to the citizens;

(c) To coordinate with DoGRPG for the utilization of core and common shareable infrastructure such as Punjab Wide Area Network (PAWAN), State Data Centre/ Cloud services, e-Payment, IFMS, HRMS, eOffice and e-Tendering in that department.

(d) To keep the departments abreast of the latest technology trends from time to time.

[The IT Cadre Policy is annexed herewith as ANNEXURE R-1.]

(iv) Evidently therefore, the IT cadre is being created for the purpose of creating robust IT infrastructure and capabilities within Government Departments, to empower every aspect of governance. The purpose is to

implement Enterprise Architecture and strengthen policy making and implementation expertise of the departments at the back-end.

- (v) For instance, department of Finance will need IT cadre manpower to operate, maintain and upgrade their Integrated Financial Management System. The IT cadre officials would train the departmental staff in day to day operation of IFMS software. They will update/ upgrade the Hardware/Software facilities and run day to day operations. They will liaison with core experts from NIC or Department of Governance Reforms in case of major upgradations or bug fixings.
- (vi) The manpower engaged by the Sewa Kendras are essentially involved in data-entry and require a limited skill set. Even when Suvidha Kendras were in existence, the requisite qualifications for the manpower were not standardised and each district society was free to prescribe its own qualifications. In most cases, the requisite qualifications were 10th or 12th pass, while in some cases, B.Tech or MCA was required.
- (vii) The IT cadre on the other hand, is envisaged to comprise IT professionals who can support back end policy making and implementation. The requisite qualifications for the posts are described in the recruitment notice and the minimum qualification is B.Tech or MCA with experience in the Information and Communications Technology field. In addition, Master in

Business Administration is also required three categories of posts out of the four.

10. That the Petitioners have sought to mislead this Hon'ble Court by creating an impression as if the 324 posts for the IT cadre have been created in respect of Sewa Kendras. The Petitioners have further falsely represented that the members of the Petitioners union are fully eligible for the posts created for the IT Cadre. Without prejudice, and in any event, if the members of the Petitioner Union so qualify, then it is open for such members to apply pursuant to the recruitment notice of 02.02.2020 and twelve of the erstwhile Suvidha Employees have already applied for these posts as per their eligibility. **[The tabular detail of the employees who has applied for the IT Cadre posts is annexed herewith as ANNEXURE R-2.]**

11. The premise on which the Petitioners have sought relief under the instant application is borne out by the prayer in CM No. 3210 of 2020, which is reproduced as under:

"Therefore the present application may kindly be allowed and the selection process in terms of the advertisement dated 02.02.2020 (Annexure A-2) may kindly be stayed and further issue a direction to the respondent State to first adjust the surplus employees of the petitioners union against these posts, for which they are fully eligible, in the existing sewa kendras in view of the fact that they were to be adjusted in the newly established Sewa Kendras as the petitioners have rendered 2-10 years service in the earlier Suwidha Centers in terms of the conditions of Request Proposal Form, and the same was not done by the Respondent till date."

12. As submitted above, the Petitioners have misconceived the IT Cadre posts as if the same were created for Sewa Kendras. Additionally, the

Petitioners have falsely contended that they are liable to be adjusted against the IT Cadre posts on account of the Government's failure to adjust the members of the Petitioners in the newly established Sewa Kendras. The falsehood in the Petitioners' case is writ large from the following:

- (i) Admittedly, by way of Corrigendum dated 20.02.2015 issued to the Request for Proposal, a new clause 6.2.4b was added, which specifically mentioned that the service operator shall take over the existing Suwidha manpower directly involved in delivery of citizen centric services in various capacities on the last gross salary drawn basis. It was thus, a condition of the RFP that the selected private service operator take over, not only the existing Suwidha Kendras, but also the manpower associated with such Suwidha Kendras.
- (ii) However, by way of the instant Writ Petition, the Petitioners challenged the very provision of the RFP, which made it incumbent upon the private service operators to accommodate the members of the Petitioner in the Sewa Kendras on the same salary, *inter alia* objecting to take over of control of manpower by private service operators.
- (iii) That after identification of the private service operator of the Sewa Kendras, when the Government was in the process of handing over the existing Suwidha Kendras to the private service operator, the Petitioners filed an application being CM No. 9405 of 2016. By way of the

said application, the Petitioners again specifically objected to, and sought restraint against handing over of the Suwidha Kendras and the manpower to the private service operator.

- (iv) That the Petitioners have themselves annexed to the instant application, CM No. 3210 of 2020, a letter dated 04.07.2016, whereby the Respondent No. 3 has called upon the private service operator, BLS E-Services Private Limited to take over the existing manpower in the Suwidha Kendras. **(ANNEXURE A-1)**
- (v) That *ex facie*, the answering Respondents took all due measures to grant the members of the Petitioner union, an opportunity to continue in service even after take over by the private service operator. However, the Petitioners themselves refused the option to so continue.
- (vi) Therefore, the Petitioners are estopped from claiming any equities on the ground that they are not presently employed with the Sewa Kendras currently in operation.

13. That in any event, the Writ Petition is infructuous, and the present Application is a misconceived attempt to revive an infructuous petition. In this regard, it is submitted as follows:

- (a) That the challenge preferred in the Writ Petition was to the Notification dated 20.11.2014 and the RFP issued on 28.11.2014. Having failed to obtain a stay against the Respondents qua the selection process, Sewa Kendra operators were duly appointed by the PSeGS, details of

which have already been elaborated in the reply filed by the answering Respondents to the main Writ Petition.

- (b) That the Petitioners chose not to challenge such appointment, as a result of which, the cause of action in the main Writ Petition no longer survived. In CM No. 9405 of 2016, the Petitioners sought to restrain take over of the existing Suwidha Kendras by the selected operators; however failed to secure any protection. As a result, all existing Suwidha Kendras were taken over by the selected operators. Again, no challenge was preferred challenging the said take over of Suwidha Kendras. It is also noteworthy that the petitioners are not in employment of the Sewa Kendra since 07.09.2016.
- (c) That subsequently, contracts awarded pursuant to the RFP of 28.11.2014 have been terminated on 18.06.2018 based on a policy decision taken by the Government of Punjab, considering the gap between revenue generation and the number of Sewa Kendras. Thereafter, a fresh tender was floated for 512 Sewa Kendras in the year 2018, pursuant to which, a private service operator has been awarded the contract for managing and operating such Sewa Kendras. The Petitioners neither challenged the termination of contracts under the old RFP, nor have they challenged the fresh RFP or contracts. As such, the Petitioners have thus clearly abandoned their rights and interests insofar as the subject matter of the Writ Petition is concerned and are disentitled from seeking any relief in respect thereof.

Copy of order of termination dated 18.06.2018 of contract awarded pursuant to the RFP dated 28.11.2014 is annexed hereto and marked as **Annexure R-3**. Copy of tender floated in 2018 for award of contracts relating to 512 Sewa Kendras is annexed hereto and marked as **Annexure R-4**.

14. That apart from the stark difference in the nature of functions of the members of the Petitioners union, and those of the IT Cadre, there is no semblance between the two categories, even insofar as the nature of employment is concerned. The following factors demonstrate the distinctions between the two, rendering the demand for regularisation of members of the Petitioner union against IT Cadre untenable:

- (a) Most of the manpower of the erstwhile Suwidha Kendras were engaged through outsourcing or jobwork basis, consistent with the Memorandum of Association of the District Sukhmani Societies. Further, the contracts were entered into by the District Sukhmani Societies and not by the State Government. On the other hand, the IT Cadre will be contractual employees of the Government of Punjab. The 324 posts for this cadre have been created out of 536 posts surrendered by 20 Government departments.
- (b) As expressly stipulated in the Memorandum of Association of the District Sukhmani Societies, expenditure towards manpower was to be met out of their own resources, such as service charges collected by them. Therefore, no part of the expenditure was funded by the Government of Punjab. On the contrary, the IT Cadre has a budgetary allocation,

having been carved out posts of the Government departments.

- (c) Hiring of manpower in the Sewa Kendra was ad hoc, based on requirements the concerned District Sukhmani Societies. On the contrary, recruitment to the IT Cadre is pursuant to the Department of Governance Reforms Rules with the approval of the Council of Ministers.
- (d) Even the Respondent No. 3, PSeGS had no direct control or supervision over the manpower hired for the Sewa Kendras. Whereas, IT Cadre employees are to be recruited, deployed, monitored and evaluated by the Government of Punjab.

15. That in any event, the Petitioners ought not to be permitted to hold at ransom and stall the process of recruitment to the IT cadre, which has already been initiated pursuant to a policy decision of the Government of Punjab approved by the Council of Ministers.

16. That without prejudice to the answering Respondents' position that there is no basis for the Petitioners to claim regularisation whether against the posts of the IT cadre or otherwise, the Petitioners cannot, in any event, assert any lien over specific posts of the Government, thereby hindering recruitment to such posts. It is humbly submitted that notwithstanding the merits of the Petitioner's case in the Writ Petition, the Government cannot be restrained from recruitment to the IT cadre. The practice of staying the regular recruitment process was disapproved by the Hon'ble Supreme Court in *Brij Mohan Lal v. Union of India*, (2012) 6 SCC 502, para 173. It is therefore respectfully submitted that stay on recruitment directed by way of order dated 27.02.2020 may be vacated by this Hon'ble Court.

17. The Hon'ble Supreme Court in *State of Karnataka v. Umadevi*, (2006) 4 SCC 1 held that daily-wagers, contractual workers cannot claim a right to be absorbed in service when they have never been selected in terms of relevant recruitment rules and more so when such an employment was not under the sanctioned post. The relevant para(s) are reproduced below for the ready assistance of this Hon'ble Court:

"48....No right can be founded on an employment on daily wages to claim that such employee should be treated on a par with a regularly recruited candidate, and made permanent in employment, even assuming that the principle could be invoked for claiming equal wages for equal work. There is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis, to claim that they have a right to be absorbed in service. As has been held by this Court, they cannot be said to be holders of a post, since, a regular appointment could be made only by making appointments consistent with the requirements of Articles 14 and 16 of the Constitution. The right to be treated equally with the other employees employed on daily wages, cannot be extended to a claim for equal treatment with those who were regularly employed. That would be treating unequals as equals. It cannot also be relied on to claim a right to be absorbed in service even though they have never been selected in terms of the relevant recruitment rules. The arguments based on Articles 14 and 16 of the Constitution are therefore overruled.

53....The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases aboverefereea to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular

recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

18. In LPA No. 890 of 2019 titled *Soma Wati versus State of Punjab and ors* a bench constituted on Hon'ble Chief Justice of the Punjab and Haryana High Court has vide order dated 10.02.2020 while relying on *Uma Devi's decision* held that the appellant therein was not engaged against sanctioned post and no procedure for selection was followed, hence the claim for regularization could not have been considered. The relevant part of decision is reproduced below:

"As far as the issue of regularization is concerned, in view of the law laid down by a Full Bench of the Supreme Court in the case of Secretary, State of Karnataka and others Vs Uma Devi and others (2006) 4 SCC 1, as the appellant was admittedly not engaged against a vacant sanctioned post and as no procedure etc. for selection was followed by the authorities while engaging the appellant on daily wages, meaning thereby that the appellant was a backdoor entry, the claim for regularization of the appellant could not have been considered moreso, as the Supreme Court in its Full Bench decision has held that regularization as a mode of appointment is not recognised in law and the same cannot be resorted to by issuing policies/administrative orders under Article 162 of the Constitution of India."

19. That without prejudice to the aforesaid, solely on compassionate grounds and in the interests of expediting recruitment to the IT Cadre, which has become a matter of urgency in the wake of the COVID-19 pandemic, the case was sent to the competent authority for approval of

relaxation of age of ex-Suwidha employees as per the rules of Department of Governance Reforms. It is submitted that the rules of Department of Governance Reforms have been adopted for recruitment of the above said posts in IT cadre. The relevant portion of rules is reproduced as below:-

"(a) General Category

No person shall be recruited to the Service by direct appointment, if he is less than eighteen years or more than thirty seven years of age in the case of technical and non-technical posts on the first day of January of the year immediately preceding the last date, fixed for submission of applications by the Commission or the Board, as the case may be.

Provided that where different lower and upper age limits have been specifically prescribed for the posts in the Service Rules, these limits shall be made applicable to appointment to such posts.

Provided further that the upper age limit may be relaxed upto forty-five years in the case of persons already in the employment of the Punjab Government , other State Government or the Government of India.

(b) SC/ST Category

In the case of SC/ST Category, the upper age limit shall be such as may be fixed by the Government from time to time i.e 5 years over and above the General Category."

20. That the Technical posts of Senior System Manger, System Manager, Assistant Manager and Technical Assistant have been created under the state IT cadre after approval of the competent authority and competent authority has further accorded its approval for relaxation of age as per DOGR rules mentioned above with the following observations:-

- (a) That the benefit of age relaxation would only be extended to the contractual Ex- Suwidha employees and candidate

applying for the above said post has to establish the period for which he/she has worked under the Suwidha Project through District Sukhmani Societies.

(b) This arrangement would be considered as onetime benefit and would not set a precedent for other departments, societies etc.

21. That the answering Respondents are ready and willing to give the benefit in relaxation of age to the members of petitioners union, in terms of the DoGR rules up to the age of 45 years, provided that the aforesaid conditions of approval granted by the competent authority are satisfied, i.e.,: (i) the candidate seeking such relaxation is a contractual ex-Suwidha employee; and (ii) such candidate establishes the period for which he/she has worked under the Suwidha Project through District Sukhmani Societies. That the said relaxation is being offered as a one-time measure, and may not be treated as a precedent for other departments, societies etc. Save for the above relaxation, all other terms and conditions and eligibility criteria applicable for recruitment to the IT Cadre pursuant to the advertisement of 02.02.2020 shall be applicable.

22. That the central IT cadre has been conceptualised that would staff the Project Management Units in each department and will report to and support respective Directors/ Administrative Secretaries and work with Chief Minister office for the implementation of transformative agenda, various sectoral reforms and e- Governance Projects. IT Professionals will be deputed to various Departments for the implementation of Enterprise Architecture, various sectoral reforms and e – Governance Projects including e- office.

23. That it is pertinent to mention here that that due to pandemic (Covid - 19) there is urgent requirement for recruitment of the staff from IT background. It is submitted the Government of Punjab in wake of the Covid -19 has issued the instructions dated 4.05.2020, in which departments have been directed to use e-Office for official work along with e-mails, and Video Conferencing. **[A copy of the letter dated 04.05.2020 is annexed herewith as ANNEXURE R-5].**

24. The professionals from IT background would provide impetus to the state in use of technology during the period of pandemic, which would result in maintaining of social distancing and would be a check on the containment of the pandemic. Functioning of the Government would be significantly hampered without the assistance of a duly qualified and experienced cadre of professionals. Thus, grave prejudice would be caused to the State if the order of 27.02.2020 directing stay on recruitment of the IT cadre is not vacated at the earliest.

25. It is therefore respectfully submitted that in light of the submissions made hereinabove, this Hon'ble Court may be pleased to vacate the stay granted by this Hon'ble Court dated 27.02.2020 and the answering Respondents be allowed to continue with the recruitment process in pursuance of the advertisement dated 02.02.2020, subject to the age relaxation in terms of the approval granted by the State Government.

PLACE: CHANDIGARH
DATE: 21.05.2020

GOVERNMENT PLEADER, PUNJAB

