IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, LUDHIANA

1) Mitter Sain Goyal & Mitter Sain Meet son of Sh.Sehj Ram Gupta aged 68 years resident of 279, St. No. 5, Upkar Nagar, Civil Lines, Ludhiana.

2) Harbaksh Singh Grewal son of Joginder Singh aged 70 years resident of 526/2, B-35, Near Govemment Senior Secondary School, Sunet, BRS Nagar, Ludhiana.

3) Rajinder Pal Singh son of Sh. Gurdial Singh aged 68 years resident of Near Water Tank, Hambran Road, Backside PAU wall, Dashmesh Nagar, Ayali Khurd, Ludhiana Plaintiffs.

Plaintiff.....

Versus

1. State of Punjab through Principal Secretary, Higher Education and Language Department, Punjab.

2 Director Language Department, Sheranwala GatePatiala, Punjab.

3. District Language officer, Punjabi Bhawan, Ludhiana

Defendants....

Sait for Declaration

Reply of the application under order 1 Rule 10 CPC by Smt. Veerpal Kaur, Joint Director, Language Department, Punjab, Patiala on behalf of the Defendants No. 1 to 3.

Preliminary Objections:-

1. That no cause of action accrued to the applicant to file the present application in the present case. The applicant has filed the present application just to harass the respondent and waste the precious time of the Hon'ble court.
2 That the applicant has came to the court with ulterious motive to quash the decision of the State Advisory Board for declaring award for the year w.e.f. 2015-2020, just to help the plaintiffs.

3. That the applicant has no locus standi to file the present suit as the awards for the year 2015 to 2020 has already been declared by State Advisory Board constituted by the Punjab Government through its Language Department Punjab, Patiala. Moreover the State Advisory Board in the year of 2004, 2008, 2011, 2015 & 2020 was constituted as per guidelines of the order issued by the Secretary Higher Education & Language Department on 15-11-2002. Moreover this order dated 15/11/2002 is superseded by notification dated 02/06/2020, as the orders are always superseded by notification.

4. That the suit of the plaintiff is also bad for non-joineder of proper party as the plaintiff has not make parties to the State Advisory Board members and as well as the awardees selected for the award for the year from 2015 το 2020.

5. That the present applicant has knowledge of formation of State Advisory Board in the year of 2004, 2008, 2011, 2015 to 2020 at that time no application nor any objection had been filed by the present applicant, now this application which is filed is time barred.

6. That no notice under section 80 of CPC served upon the answering defendants

On merit:-

1. That para no. 1 of the application is admitted to the extent that the above noted case is pending in the Hon'ble court and now fixed for 28/02/2022.

2. That para no. 2 of the application is admitted to the extent that the applicant is urdu writer as per official record mentioned in the agenda item.

3. That para no. 3 of the application is denied for want of knowledge.

4. That para no. 4 of the application is admitted to the extent that the applicant has served in the the Punjabi University. Rest of the para is denied for want of knowledge.

5. That para no. 5 of the application is admitted to the extent of the biodata of applicant as mentioned in the agenda prepared by the respondent No. 2. Rest of the para is denied for want of knowledge.

6 That para no. 6 of the application is wrong hence denied as the awards has already been declared by the State Advisory Board effectively. The respondent has filed explained reply in the present case and the written statement of the case may kindly read as part of the reply of this application.

It is further submitted that the Sahit Rattan as well as other Shiromani awards were always declared by the State Advisory Board constituted by the Purijab Govemment. It is further submitted that the term of SAB is for three years. After three years State Government notified the fresh State Advisory Board as per the guidelines of the Government notification dated 15.11.2002 in which 16 ex-offico memebrs & 30 other member related to the different field of Art, Culture & Literature were appointed in this Board.

It is further submitted that the Government of Punjab constituted the State Advisory Board in the year of 2004, 2008, 2011, 2015 & 2020. Moreover this order clated 15/11/2002 is superseded by notification dated 02/06/2020 as the orders are 'always superseded by notification. It is further submitted that the State Advisory Board is competent to decide award of all categories.

It is submitted that agenda is prepared by the defendant No. 2 on the basis of bio data received from the candidate himself, by Sahit Sabha or some other literary organization as well as the members of the State Advisory Board who recommend the names of the candidates to a particular category. It is a convention from last 70 years. The defendant No. 2 never advertised for award nor demanded the name of the candidate. As far as Sahit Rattarı & Shiromani Awards are concerned the department never asks for biodatas directly from an individual but it always write to various literary societies, organizations and academies & all the ex- members and present members of State Advisory Board to send recommendations of the names for all awards, as they are continuously in touch with various developments in the sphere of Language, Literature& Culture. The same procedure was adopted in the selection process for the awards for the years 2015 to 2020. The selection of the awards was done in a fair & impartial manner by the State Advisory Board as apex bodies for this selection process. All the received biodatas were carefully shortlisted by the Screening Committee & the selections by the State Advisory Board were made on the basis of biodatas by collective decision. The proper procedure has been followed by State Advisory Board for selecting eligible candidates for award on different category on basis ofetheir works. It is further submitted that thousand of writer/ artist other category candidates are available in their respective field. Several directories of writer und Artist are published by different organizations. But it is impossible: to include all the writer/artist in Agenda for nominating awards.

The Agenda containing biodatas of all the categories was sent to all the members of State: Advisory Board as well as Screening Committee member expert in their respective fields. All the members after consideration, evaluation and recommendations proposed the names for awards which were clecided by the State Advisory Board unanimously. The department tried its best to meet all the criteria despite the ongoing Covid-19 period. The department issued a letter dated 23.9.2020 to all the Ex-members & present members of the Screening Committee and State Advisory Board for their recommendations within 15 days. The number of not fixed. The names were added in the supplementary Agenda just for the consideration of the State Advisory Board. It is submitted that no malpractices and favoritism has been done. كن حين تمت تسميت

It is submitted that the biodatas received with whatever details are presented before the Screening Committee for its consideration and short listing. As far as the names of the dead persons are concerned the department confirms with all the available resources to confirm the eligibility of a name to be included in the Agenda. It is further submitted that some biodatas in the Agenda are continuing for last many years. At rare occasions it occurs that the information about a person being not alive does not reach the department.

7. That para no. 7 of the application is wrong hence denied as the awards are declared by the State Advisory Board unanimously. Rest of the para is denied for want of knowledge.

8. That para no. 8 of the application is wrong hence denied as the name of the applicant is duly consider in the State Advisory Board meeting. But his name does not falls in the award list.

9. That para no. 9 of the application is wrong hence denied as no cause of action accrued to the applicant to file the present application as the awards has already been declared and the name of the applicant is duly considered and found ineligible for award.

That the prayer para is wrong hence denied as the applicant is not entitle for relief as prayed for. It is therefore respectfully prayed that the application of the applicant is devoid of merit and may kindly dismissed with cost.

Submitted by:

(Veerpal Kaur)

Place: Ludhiana

Joint Director, Language Department,' Punjaby half of defendant No. 1 to 3 Language Deptt Punjab, Palata

Date: 28/02/2022

Verification:

Verified that the contents of preliminary objections from Para 1 to 4 & reply of application from Para 1 to 9 are true and correct to the best of my knowledge as derived from the official record & nothing has been concealed therein.

Submitted by:

(Veerpal Kaur)

Place: Ludhiana

Joint Director, Language Department, Punjab On behalf of defendant No. 1 to 3

Date: 28/02/2022

Joint Director, Language Dept, Punjab, Patiala