

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

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**Civil Writ Petition No.16902 of 2014
Date of Decision:18.05.2015**

Smt.Hardeep Kaur

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Rajesh Sehgal, Advocate
for the petitioner

Mr.Pankaj Mulwani, DAG Punjab

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, so as to quash the order dated 13.11.2013 (Annexure P12), vide which two increments awarded to the petitioner were ordered to be stopped without cumulative effect, under Rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (for short 'the Rules').

The precise stand set out in the affidavit filed by Deputy Director, Department of Social Security and Women and Child Development, Punjab, reveals that against the order of punishment dated 13.11.2013 (Annexure P12), petitioner had preferred an appeal under Rule 15 (ii) of the Rules on 09.12.2013 (Annexure P13) before the appellate authority i.e.respondent No.1. Though, vide letter dated 07.03.2014 (Annexure P14), issued by respondent No.2, appeal

preferred by the petitioner was returned in original and the petitioner was suggested to re-file the same in Punjabi language, as envisaged under government instructions. But rather than refiling the appeal, petitioner has instead preferred this petition. However, it is maintained that the appellate authority was ready to hear and decide the appeal dated 09.12.2013 (Annexure P13) preferred by the petitioner against the order dated 13.11.2013 (Annexure P12), in terms of Rule 15(ii) of the Rules. Further, petitioner shall also be afforded personal hearing while deciding the said appeal. Learned State counsel submits that let the petitioner re-file the appeal as it is and the same shall be decided by the appellate authority.

That being so, learned counsel for the petitioner submits that he shall re-file the appeal within a week from today. But as considerable time has elapsed, respondent No.1 be directed to decide the appeal, within a specified time.

In the wake of the position as set out above, the instant petition is disposed of with a direction to respondent No.1 to consider and decide the appeal preferred by the petitioner dated 09.12.2013 (Annexure P13) against the order dated 13.11.2013 (Annexure P12) strictly, in accordance with law, within a period of two months, it is re-filed. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

18.05.2015

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(ARUN PALLI)
JUDGE