

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CWP No. 19091 of 2015
Date of decision: 10.9.2015

Ramanpreet Kaur

... Petitioner

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.D.S.Patwalia, Sr.Advocate, with
Mr.B.S.Patwalia, Advocate,
for the petitioner.

...

AMOL RATTAN SINGH, J. (Oral)

Learned Senior counsel for the petitioner submits that the petitioner was not impleaded as a party, either in CWP No.1410 of 2011, decided on 19.2.2013, or before the Division Bench in LPA No.800 of 2013, decided on 12.5.2015. Hence, the impugned orders passed, pursuant to those judgments, have been passed without giving any opportunity of hearing to the petitioner, who, after six years of service, has been removed, though she was even promoted in the meanwhile to the post of Assistant Engineer.

Whereas the issue of non-consideration of the petitioner may be a point to be considered, however, the petitioner has been removed from service pursuant to the order of a Division Bench passed in LPA No.800 of 2013, holding therein that a candidate who is a son/ward of a freedom fighter has a preferential right of appointment over the grand child of a freedom fighter. The petitioner being such a grand child, with the first respondent in the Letters Patent Appeal being a child of a freedom

fighter, the latter would get a right of appointment over and above the petitioner.

In view of the above, since the matter has been adjudicated upon on merits by a Division Bench in LPA No.800 of 2013, this petition seeking quashing of a consequential order, in my opinion, is not maintainable.

Dismissed. Though no such liberty is required to be taken from a Single Bench, however, if the petitioner, so wishes, she would, naturally, be at liberty to move an appropriate application before the Division Bench.

10.9.2015
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(AMOL RATTAN SINGH)
JUDGE