

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

**CWP No. 9966 of 2011
DATE OF DECISION :- September 14, 2015**

Smt. Amarjit Kaur

...Petitioner

Versus

Central Administrative Tribunal, Chandigarh Bench and others.

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. R.D. Bawa, Advocate for the petitioner.

Mr. Nitin Rathee, Advocate
for Mr. Anil Rathee, Advocate for respondents 2,3 and 4.

M.JEYAPPAUL, J.

1. The Writ Petitioner Amarjit Kaur, who belonged to a Schedule Caste category, appeared in the Junior Accounts Officer examination. The respondent department issued office memorandum on 31.1.1995 providing certain relaxation/concessions to the members of Schedule Caste category in the matter of qualifying marks/standards for evaluation of performance etc. Applying the

above prescription in the office memorandum to the petitioner, the petitioner was selected and appointed as Junior Accounts Officer.

2. The relaxation/concession granted to the members of Schedule Caste and Schedule Tribe category under the above referred office memorandum dated 31.1.1995 was withdrawn by the respondent department-Government of India by issuing subsequent office memorandum on 22.7.1997. Consequentially, a show cause notice was issued and an order of reversion was ultimately passed by the respondent department, invoking the above office memorandum dated 22.7.1997.

3. The petitioner has challenged the order of reversion ultimately passed by the respondent department consequent upon issuance of the modified office memorandum of 22.7.1997.

4. Heard the submissions made on either side.

5. Learned counsel appearing for the petitioner cited a decision of the Hon'ble Supreme Court in Civil Appeal No. 6046-6047 of 2004 ***Rohtas Bhankhar and others versus Union of India and another*** dated 15.7.2014 wherein the above office memorandum dated 22.7.1997 issued by Government of India was declared as illegal.

6. Now, it is a settled position that inasmuch the circular dated 22.7.1997 issued by Government of India withdrawing the relaxation granted under office memorandum issued on 31.1.1995 was declared as illegal by the Hon'ble Supreme Court of India, the

impugned orders passed by the department pursuant to the above office memorandum dated 22.7.1997 will have to be quashed.

7. Resultantly, the impugned orders passed by the respondent department under Annexure P20, P23, P24, P25, P29, P32 and P33 and the consequential orders passed by virtue of the above office memorandum dated 22.7.1997 stand quashed, as prayed for by the petitioner. Consequently, the order passed by the Tribunal is set aside and the Writ Petition is allowed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

September 14, 2015

p.singh