

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 322 of 2009 (O&M) in
CWP No. 2114 of 2009

Date of decision: 30.7.2015

Savita Puri and another

**.. Non-applicants/
petitioners**

v.

The State of Punjab and others

..Applicants/Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. P. S. Bajwa, Deputy Advocate General, Punjab.

Mr. R. D. Bawa, Advocate for the non-applicants/
petitioners.

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Rajesh Bindal J.

Review of the judgment of this court dated 12.5.2009 has been sought by the State.

Challenge in the writ petition filed by the non-applicants/petitioners was to the order dated 27.1.2009, vide which their promotion to the post of Lecturer (Chemistry) was sought to be withdrawn. This court set aside the impugned order seeking to withdraw their promotion.

The State had sought the review on the ground that complete facts could not be placed before the court, as a result of which the error occurred.

Learned counsel for the non-applicants/petitioners submitted that the ground sought to be raised by the State seeking review of the judgment is not tenable.

Heard learned counsel for the parties and perused the paper book.

It is a case in which the then Director of Public Instructions (SE), Punjab, namely, Sadhu Singh Randhawa was the master-mind, who apparently manipulated things to make the then Education Minister happy for promotion of certain candidates, who may not be entitled to the same as per their seniority. Enquiry was conducted against him. Some parts of the findings thereof are extracted below:

“A perusal of the findings of the enquiry report which are reproduced below shows connivance of Sadhu Singh Randhawa, Tarinder Kaur and Sh. Manohar Lal C.Os. and that all the charges levelled against Sadhu Singh Randhawa were fully proved. He manipulated wrong notings on the file and passed the order to make the then Education Minister happy. The order of enquiry against Sadhu Singh Randhawa was ordered by the Minister after the issue was raised in the media. Relevant extract from enquiry report is as under:-

“From the record presented, it is clear that the Education Minister of the concerned time period in his note dated 7.3.06 had ordered filling up of 9991 vacant posts of teachers. In compliance of these orders, Sh. Randhawa, DPI in his note of 4.4.06 informed the waiting for amendments in the service rules under the government instructions to be the main reason. He had also written that under the departmental rules of 1978, DPI is competent to do promotion. But since the post of Lecturer falls in Group-B, therefore the promotion should have been done through DPC at government level. But Sh. Randhawa, DPI had concealed this thing in his note that the promotion cases of teachers of science subject as lecturers, except the chemistry subject, had been sent to the Government by him and this case is pending with the Government. On the basis of the

incomplete information given by Sh. Sadhu Singh Randhawa, DPI, the Minister ordered to undertake promotions at the DPI level. These orders were given directly to Sh. Randhawa by sending a single file, who had brought the case decision in the knowledge of Secretary, Education on 7.4.06. Though the Education Secretary had said in the case to carry out promotions at government level, but the Education Minister did not gave (sic give) his consent to him. Under the Rule of Business of the Punjab Government the case should have been brought in the notice of Chief Secretary/Chief Minister, but not doing so was surprising. Sh. Randhawa, DPI had issued the promotion orders of Chemistry teachers, on the basis of the incomplete record received from the field, taking the approval of the Minister on 17.04.2006, though at that time Sarvshri Manjit Inder, Bhupinder Singh, Mahinder Singh C.Os. had written concrete reasons for not issuing the promotion order on N.P. -17, which were completely ignored. At the time of initial inquiry of the case, serious irregularities and discrepancies had surfaced in the orders done by Sh. Sadhu Singh Randhawa, DPI. The Government had set aside the orders issued, but the Hon'ble High Court reinstated the order issued and had given relief to three petitioners. It is also clear from the presented record that in the decision of Hon'ble High Court nothing has been said about the overriding effect of Rule 20 of Punjab Services (General and Common Conditions) Rules, 1994 on the departmental rules. It appears that this point had not been raised before the Court by the Advocate General. But now SLP is pending in the case.

From all the facts and circumstances of the case, it

is clear that Sh. Sadhu Singh Randhawa, DPI, in order to make happy the Education Minister, had in quickness, on the basis of incomplete record and without making efforts to get complete the record, had issued the promotion order of the lecturer of Chemistry subject, whereas other such cases of promotion of other science subjects, are pending with the government and the A.G. had raised objection with regard to surplus staff of science. At the time of issuing these orders, he had instead of including the Assistants of the office had by considering the incomplete record through the field staff, had issued orders with the permission of Education Minister. Doing so by him is a gesture of making the Education Minister of that time period happy. Without getting the record completed, he had with his own discretion, while ignoring the claim of senior officials, had done these discrepancies. During the initial inquiry, in front of all the facts of the case, Sh. Randhawa, DPI is completely responsible for it and the Minister had given approval on his noting only.

There is no doubt in it that Madam Tarinder Kaur and Sh. Manohar Lal C.Os. were fully involved with Sh. Randhawa, DPI in this process of getting issued the promotion orders from the Minister on the basis of incomplete record. But since they were posted under DPI, therefore, by not cooperating with Sh. Randhawa, DPI in the issuance of orders they would have get entangled in the allegation of disobedience. The initial inquiry report does not throw light on the specific role of any officer. Neither there noting with regard to the promotion is presented. There is no concrete basis of case against them. Sh. Sadhu Singh Randhawa, DPI is guilty in the mishandling and misappropriation of this

case, who wanted to make the Minister happy. But after printing of news in the newspaper, the Minister had ordered departmental inquiry against Sh. Randhawa, DPI and other guilty. Like this, Sh. Randhawa, DPI had dug trench for himself and had created problems for others.”

Once all the charges against the then Director of Public Instructions (SE), Punjab and other officials in the office of Director of Public Instructions (SE), Punjab were proved regarding manipulation, in my opinion, the prayer made by the State seeking review of the judgment deserves to be allowed, as non-production of complete record before this court at the time of hearing of the writ petition was also part of the same scheme.

Accordingly, the review petition is allowed. The order dated 12.5.2009 is re-called.

Let the writ petition be now listed for hearing as per roster on 18.9.2015.

(Rajesh Bindal)
Judge

30.7.2015
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