

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.867 of 2012 (O&M)

Date of Decision: 06.10.2016

Avtar Singh

... Appellant

VS.

Surjit Singh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|---|-----------------|
| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. RK Malik, Senior Advocate with
Mr. Mandeep Singh, Advocate for the appellant
Mr. BS Sewak, Advocate for respondent No.1
Mr. Rajesh Bhardwaj, Addl.AG Punjab

SURYA KANT, J. (Oral)

CM-2886-LPA-2016

With the consent of learned counsel for the parties, the main case is taken on board for final disposal. CM stands disposed of.

LPA-867-2012 (O&M)

(1) The instant Letters Patent Appeal is directed against the orders dated 17.05.2012 and 01.06.2012 whereby the appellant's appointment as Kanungo has been set aside on the premise that he was not selected in accordance with law as neither he appeared in the 'interview' nor 'his merit' vis-à-vis other candidates was 'determined'.

(2) It may be noticed at the outset that the selection pertains to the physically handicapped reserved category.

(3) Unfortunately, the appellant was unrepresented before the learned Single Judge due to which it is urged that all the correct facts could not be brought to the notice of the Court.

(4) This fact is not disputed by learned counsel for the respondent/writ petitioner also.

(5) In this view of the matter and as agreed to by counsel for the parties also, we allow this appeal in part; set aside the orders dated 17.05.2012 and 01.06.2012 and remit the case to learned Single Judge for afresh adjudication on merits. The parties may supplement the proceedings by placing on record relevant documents.

(6) The parties are directed to appear before learned Single Judge, as per roster, on 30.01.2017. We request the learned Single Judge to make an endeavour that the case is decided expeditiously subject to other part heard case(s).

(Surya Kant)
Judge

06.10.2016
vishal shonkar

(Sudip Ahluwalia)
Judge