

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1413 of 2015 (O&M)

Date of Decision: 06.10.2016

Seema Dhingra

... Appellant

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. *Whether speaking/reasoned?*

Yes / No

2. *Whether reportable?*

Yes / No

3. *Whether Reporters of local papers may be allowed to see the judgment?*

Yes / No

4. *To be referred to the Reporters or not?*

Yes / No

5. *Whether the judgment should be reported in the Digest?*

Yes / No

Present: Mr. RD Bawa, Advocate for the appellant

Mr. Rajesh Bhardwaj, Addl.AG Punjab

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal assails the order dated 30.07.2015 whereby learned Single Judge allowed the application filed by State of Punjab and has recalled the decision dated 12.05.2009 whereby reversion order of the appellant from the post of Lecturer Chemistry (School Cadre) has been set aside. The order has been recalled in the light of the fact that in a fact finding enquiry, it was revealed that the then Director, Punjab Instructions (SE) Punjab, Sadhu Singh Randhawa manipulated large scale promotions at the instance of then Education Minister and/or otherwise for extraneous considerations. It was proved before learned Single Judge that the claim of several senior employees was ignored while promoting the appellant. The rules were thrown to winds and the promotions were made in a hush-hush manner. When the reversion order was challenged, the officials of the Education Department again connived and did not produce the relevant records before learned Single Judge due to which an *ex facie*

erroneous order was passed on 12.05.2009. Learned Single Judge has thus rightly recalled the said order.

(2) If the appellant has any claim to the effect that (i) that the State Government subsequently decided not to implement the enquiry report referred to by learned Single Judge; or (ii) the appellant has meanwhile become entitled for promotion even as per her seniority, such claims can very well be raised by her before learned Single Judge at the time of hearing. Needless to say that the observations made by learned Single Judge in the order dated 30.07.2015 or by us in this order shall have no bearing on the merits of the appellant's claim.

(3) Disposed of.

(Surya Kant)
Judge

06.10.2016
vishal shonkar

(Sudip Ahluwalia)
Judge