

CM 8297-8298/2014 in
RA-CW-368/2014 in
CWP 23425/2011

AND

CM 8306-8307/2014 in
RA-CW-369/2014 in
CWP 24181/2011

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CM 8297-8298/2014 in
RA-CW-368/2014 in
CWP 23425/2011

Janak Raj Mehrok v Punjab School Education Board and others

AND

CM 8306-8307/2014 in
RA-CW-369/2014 in
CWP 24181/2011

Smt.Sukhvider Kaur Saroya v State of Punjab and others

Present:- Mr.Shailender Sharma,Advocate for the non-applicant
petitioner in CWP 23425/2011

None for the non-applicant/petitioner in CWP 24181/2011

Mr.Suresh Singla,Addl.AG Punjab for State in both the
cases.

Mr.Vishal Sharma,Advocate for **applicant-Smt.Pavittar
Pal Kaur**/respondent no.2 in CWP 23425/2011 and
respondent no.4 in CWP No. 24181/2011

Mr.GS Bal,Senior Advocate assisted by
Mr.ADS Bal,Advocate for Punjab School Education Board-
Respondent no.1 in CWP 23425/2011 and Respondents
nos. 2 and 3 in CWP No.24181/2011.

CM No. 8297 of 2014 in RA No. 368/2014 and CM No.
8306 of 2014 in RA No. 369/2014, filed to place on record copy of the
order dated 07.04.2014 passed by Hon'ble the Supreme Court in SLP
(Civil) Nos. 34575-34576/2012 as also copy of impugned judgment

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are allowed and the aforesaid documents are taken on record.

CM No. 8298/2014 in RA No. 368/2014 and CM No. 8307/2014 in RA No. 369/2014 have been filed under Section 5 of the Limitation Act seeking condonation of 593 days' delay in filing the aforesaid two Review Applications. No replies to said applications seeking condonation of delay have been filed.

For the reasons stated in the applications, cause shown is sufficient. Accordingly CM No. 8298/2014 and CM No. 8307/2014 are allowed and delay of 593 days' in filing the aforesaid Review Applications is condoned.

RA-CW-369 of 2014 and RA-CW-368 of 2014

Janak Raj Mehrook (petitioner in CWP No. 23425 of 2011) and Smt. Sukhwinder Kaur Saroya (petitioner in CWP No. 24181 of 2011) both employed as Deputy Secretaries with Punjab School Education Board (hereinafter referred to as the Board) had filed their respective writ petitions seeking quashing of the order dated 04.11.2011, whereby Smt. Pavittar Pal Kaur (respondent-applicant herein) was temporarily promoted as Joint Secretary with the Board, on the ground that there were criminal cases/disciplinary proceedings pending against her.

In CWP No. 23425 of 2011, an ancillary prayer for

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quashing the portion of the amendment made in the statutory rules vide notification dated 02.11.2011, thereby making other officers of the Board working in equivalent capacity with the Board, as the applicant herein, was also challenged on the ground of *mala fide*.

The arguments regarding challenge to the amendment being *mala fide* or to favour the applicant-respondent herein was rejected and her promotion to the post of Joint Secretary of the Board was found to be legally unsustainable by this Court vide order dated 31.10.2012 while disposing of both the writ petitions.

Smt. Pavittar Pal Kaur-applicant has now moved aforesaid Review Applications in both the writ petitions.

Learned counsel for the applicant-respondent has submitted that there is an error on the face of record as in para 21 of the order dated 31.10.2012, under review, wherein even the notification dated 02.11.2011 amending the statutory rules has also been inadvertently set aside while setting aside the promotion order. To substantiate, it is pointed out that in para 15, it has been categorically concluded upon considerations of the argument that there is no *mala fide* attached to the amendment while upholding the notification. Still further, it has been observed in para 21 itself that after expiry of two years' from the holding of DPC, the applicant would become eligible to be considered

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for *ad hoc* promotion i.e. in terms of the notification dated 02.11.2011.

It is, thus, contended that it is an inadvertent typographical error which needs to be corrected.

Upon notice, counsel for the non-applicants do not contest the aforesaid factual contention.

We also, upon close scrutiny, find that the contention raised on behalf of the applicant deserves acceptance.

Accordingly, both the Review Applications are allowed and it is ordered that in para 21 of the judgment dated 31.10.2012, the observation qua setting aside of the notification dated 02.11.2011 would stand deleted and substituted by the words “*while upholding the notification dated 02.11.2011*” in place of “*as well as notification dated 02.11.2011.*”

A copy of this order be placed on the file of connected Review Application bearing No.**RA-CW-368/2014**.

**(Rakesh Kumar Jain)
Judge**

**(Jaswant Singh)
Judge**

05.08.2016.
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