

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1468 of 2017 (O&M)

Date of Decision: 30.01.2017

Jaswant Singh & Ors.

... Petitioners

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. Sanjeev Pandit, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The posts of Office Superintendents in PGIMER, Chandigarh are filled up by two methods, namely, (i) 60% by promotion; and (ii) 40% by way of Limited Departmental Competitive Examination (LDCE).

(2) The LDCE was held on 30.03.2015 in which 23 candidates including the petitioners appeared. Thereafter, DPC was held on 11.04.2015 and based upon its recommendations, the petitioners were promoted as Office Superintendent on 20.04.2015.

(3) It appears that some complaints were received by the Vigilance Cell of the Institute alleging illegality/irregularity in checking/evaluation of the answer-sheets. The Committee held an enquiry and is said to have recommended to scrap the examination.

(4) Based upon that report, the competent authority has issued show causes notices to the petitioners so as to have the advantage of their viewpoints. The petitioners instead of submitting reply(ies) to the show cause notices dated 08.12.2016 rushed to the Tribunal but their Original Application has been dismissed as premature.

(5) Still aggrieved, the petitioners have filed the instant writ

petition.

(6) We have heard learned counsel for the petitioners and are of the view that the impugned show cause notices merely contain a tentative/*ad-hoc* view and the competent authority is yet to make up its mind whether or not the examination is to be scrapped. The petitioners thus will be well within their right to raise all the pleas in their reply(ies) to the show cause notices, which we have no reason to doubt, shall be objectively considered by the competent authority before taking final decision. If the petitioners are still aggrieved, they will be at liberty to avail the remedy in accordance with law.

(7) Disposed of accordingly.

(Surya Kant)
Judge

30.01.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No