

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25477 of 2016 (O&M)

Date of Decision: 20.04.2017

Union Public Service Commission

... Petitioner

VS.

CAT & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Ms. Alka Chatrath, Advocate for the petitioner

Mr. DV Sharma, Senior Advocate with
Ms. Akshita Chauhan, Advocate for respondent No.2

SURYA KANT, J. (Oral)

(1) The Union Public Service Commission has challenged the order dated 26.08.2016 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') in the OA filed by respondent No.2. The operative part of the Tribunal's order reads as follows:-

“For the reasons aforesaid, we allow this O.A. Respondents are directed to hold review meeting of the Selection Committee and to consider the applicant along-with others in the zone of consideration for promotion to IAS for the vacancies of the years 2011 and 2012 by ignoring the penalty imposed on the applicant vide order dated 3.9.2013 (Annexure A-7) and to take consequential action accordingly. The applicant shall be entitled to all consequential benefits. Appointment of respondents No.4 and 5 to IAS by promotion for the vacancies of years 2011 and 2012 respectively shall be subject to the outcome of the aforesaid review meeting and be modified accordingly.

Needful be done within 3 months from the receipt of certified copy of this order. There shall be no order as to costs.”

(2) The second respondent is a member of the State Civil Service and as per his seniority, he was to be considered for appointment to the Indian Administrative Service against the vacancies for the year 2011 and 2012. The meeting of the Select Committee fixed on 06.06.2013 for the aforesaid purpose was deferred and ultimately, it was held on 05.09.2013. In the said meeting, the claim of respondent No.2 was rejected on the ground that two days prior thereto, the Punjab Government had in a departmental action imposed punishment of stoppage of one increment with cumulative effect on the second respondent.

(3) It was in this backdrop that the Tribunal issued the above-reproduced direction. Meanwhile, respondent No.2 challenged the order of punishment before this Court in CWP No.21094 of 2013 which has been allowed by a learned Single Judge on 24.03.2017 and the punishment order has been set aside.

(4) In the light of the above-stated subsequent event when the order of penalty is no longer in existence, it becomes otherwise imperative upon UPSC to hold a review meeting of the Select Committee and consider respondent No.2 for appointment to IAS against vacancies for the year 2011 and 2012. The order passed by Tribunal to the extent that respondent No.2 be considered “ignoring the penalty” imposed on him thus becomes redundant and is modified to that extent.

(5) Let the needful be done by the Commission as early as possible but not later than one month and a compliance report be submitted before the Tribunal.

(6) The question of applicability of guidelines dated 20.02.2012 (A7) is kept open.

(7) Disposed of accordingly.

(Surya Kant)
Judge

20.04.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

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