

CWP No.9181 of 2020  
Date of Decision: 16.07.2020

Charanjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**Present: Mr. Amit Jhanji, Advocate,  
for the petitioner.

Ms. Anu Pal, Deputy Advocate General, Punjab.

None for respondent No.5.

**NIRMALJIT KAUR, J. (ORAL)**

On 03.07.2020, the following order was passed:

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that the petitioner was promoted to the post of Senior Assistant vide order dated 07.09.2017. The said order was assailed by respondent No.5 in CWP No.22341 of 2017 before the High Court. The order of promotion was set aside vide order dated 28.01.2020 and directions were issued to Deputy Commissioner of Mohali to re-consider the claim of respondent No.5 for promotion to the post of Senior Assistant in accordance with law. Respondent No.5 belongs to visually handicapped category whereas petitioner is ortho handicapped. While remanding the case to the Deputy Commissioner, this Court has observed that the considerations as provided in the instructions are the nature of post and the suitability of the candidate to be promoted. Since that aspect of the matter was not considered in the order of promotion, therefore, this Court while remanding

the case has observed that the nature of the post and the work required to be performed and the reasons why the respondent No.5 would not be able to perform that work on the post of Senior Assistant be considered.

Learned counsel further contends that the respondent No.5 is not possessing even the basic qualification for being appointed as Clerk-cum-telephone attendant in terms of Punjab Civil Services (General and common Conditions of Service) Rules, 1994 as he does not possess minimum educational and other qualifications for appointment to the post of Clerk. A specific objection was taken before the Deputy Commissioner vide objections dated 18.03.2020, but the same has not been considered by the Deputy Commissioner in para no.3 of the order (though other objections have been adverted to).

Precisely for the grievance in question, petitioner has preferred an appeal before the Commissioner, Rupnagar Division, Rupnagar along with an application for interim relief. The said appeal has not been decided so far.

Notice of motion for 06.07.2020.

Ms. Monika Chibbar, Sr. D.A.G., Punjab accepts notice on behalf of respondents No.1 to 4.

Learned counsel for the petitioner undertakes to serve respondent No.5 by means of *dasti* process.

Liberty is also granted to serve respondent No.5 through the office of Deputy Commissioner, S.A.S. Nagar, Mohali.”

When the matter again came up for hearing on 06.07.2020, it was found that respondent No.5 could not be served despite *dasti* notice. Therefore, a direction was issued to serve respondent No.5 through respondent No.4-Deputy Commissioner, Gurdaspur. It is apparent that Deputy Commissioner, Gurdaspur was mentioned erroneously instead of

Deputy Commissioner, SAS Nagar.

Today, Ms. Anu Pal, Deputy Advocate General, Punjab, has received instructions on phone that respondent No.5 stands duly served. However, no one has put in appearance on his behalf.

Be that as it may, this Court deems it proper to dispose of the present writ petition, at this stage, in terms of order dated 03.07.2020 passed by this Court as reproduced above.

It is evident that the appeal was preferred by the petitioner qua the issue involved, which was still pending before the Commissioner Roopnagar Division, Roopnagar. Learned counsel for the petitioner informs that personal hearing has since been granted but no final order has been passed.

Accordingly, the present writ petition is disposed of with a direction to respondent No.2-Commissioner Roopnagar Division, Roopnagar to dispose of the appeal within three weeks from the receipt of certified copy of this order.

It goes without saying that while passing the final order, the observations made by this Court in its order dated 03.07.2020 as reproduced above, shall be taken into consideration.

**(NIRMALJIT KAUR)**  
**JUDGE**

**16.07.2020**  
*sandeep*

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No