

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10997-2020

Date of Decision:-05.08.2020.

Vikas Gill

.....Petitioner

Versus

Nirmal Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. R.K. Chopra, Senior Advocate with
Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioners are Junior Assistants working in the offices of Block Primary Education Officers in the State of Punjab. They were visited with the major penalty of stoppage of one annual increment with cumulative effect, *vide* order dated 10.01.2020 (Annexure P-7) passed by the Director, Education Department, (SE), Punjab. Aggrieved thereby, they preferred statutory appeals in February, 2020. These appeals are stated to be pending consideration before the Appellate Authority, viz., Secretary to the Government, Department of Education, Punjab, the first respondent herein. In the interregnum, the petitioners' candidature for promotion to the posts of Senior Assistant is being overlooked. This constrained them to approach this Court by way of the present writ petition.

Though the matter was adjourned to enable the learned State

counsel to ascertain whether the appeals of the petitioners are pending

consideration, Mr. D.S. Sukarchakia, learned Deputy Advocate General, Punjab, would state that he has not received any instructions in that regard.

Mr. R.K. Chopra, learned senior counsel, would however state on instructions that the appeals were duly filed and received by the office of the Appellate Authority, the first respondent herein.

As it is for the Appellate Authority to first apply its mind to the issues raised by the petitioners in their pending appeals, no cause is made out to entertain this writ petition for adjudication on merits. The first respondent is accordingly directed to consider the appeals filed by the petitioners in February, 2020, and dispose of the same on merits after giving due opportunity of hearing to both parties. This exercise shall be completed expeditiously and in any event, not later than 2 months from the date of receipt of a certified copy of this order. In the event the petitioners' appeals are not located in the office of the first respondent, the petitioners shall be asked to submit fresh copies thereof and the first respondent shall then proceed to consider and dispose of the same on merits and in accordance with law. Needless to state, in the event the petitioners' appeals are allowed *in toto*, they would be entitled to all consequential benefits.

The writ petition is disposed of with the above directions.

No order as to costs.

(SANJAY KUMAR)
JUDGE

August 05, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.