

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RA-LP-7-2022 in LPA-130-2020

Decided on : 14.10.2022

Hardev Singh

.....Appellant(s)

Versus

State of Punjab and another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE PANKAJ JAIN**

Present: Mr. R.S. Khosla, Sr. Advocate with
Ms. Bharti Pujara, Advocate
for the applicant/respondent No.2..

Mr. A.S. Virk, Advocate
for the non-applicant/appellant.

Mr. Rohit Ahuja, DAG, Punjab
for respondent No.1.

G.S. Sandhawalia, J. (Oral)

Application for reviewing the order dated 09.05.2022 has been filed on the ground that counsel for the applicant/respondent No.2 was not present at the time when the order was passed and the applicant was the contesting respondent. As per the grounds taken itself it is apparent that the case was fixed as per turn, but the clerk had inadvertently missed noting the same.

We have heard Senior Counsel for the applicant/respondent No.2, who has tried to convince us that the appellant was on deputation on the initial stage and, therefore, the said period is to be considered differently.

The appeal was allowed on the ground that the case of the appellant has to be considered for the post of Additional Chief Administrator from 01.05.2001 instead of 19.06.2006 as granted by learned Single Judge. The order dated 30.04.1996 has already been

reproduced whereby the applicant/respondent No.2 had written to the Managing Director admitting the fact that the employee has been appointed as General Manager with it on deputation for a period of one year. It is thus apparent that the requisite experience on the said post has to be counted from the said date. Though subsequently the absorption was made at a lower post on 19.06.2001.

The perusal of Schedule-III of Punjab Urban Planning and Development Authority Employees (Services) Regulation, 1999 would go on to show that the qualification required from amongst the General Managers of the Authority is of having the necessary qualification of MBA and Law Graduate and having 5 years experience for consideration to the post of Additional Chief Administrator.

Thus, apparently the appellant had the necessary experience and once he had been appointed as General Manager as per the admission of the applicant/respondent No.2 itself, it does not lie in their mouth to say that he did not have the requisite experience and he was not a part of the management.

It is also not disputed that the appellant has long retired on 30.09.2009 and only notional benefits are to be granted and, therefore, no case is made to review the order. Resultantly, we do not find any merit in the present review application and the same is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(PANKAJ JAIN)
JUDGE
Yes/No
Yes/No

October 14, 2022

Naveen Whether speaking/reasoned :
Whether Reportable :