

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

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CWP-15847-2016

Date of decision : 18.04.2022.

Doodh Nath Singh

... Petitioner

Versus

HVPN Ltd. and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Shubham Malik, Advocate for the petitioner.

Mr. Sunil Dhanda, Advocate for

Mr. Deepak Manchanda, Advocate for respondents No.1 & 2.

Anupinder Singh Grewal, J. (Oral)

The petitioner has sought quashing of order dated 07.08.2015 (Annexure P-10) passed by respondent No.2 rejecting his request for grant of five grace marks.

Learned counsel for the petitioner contends that the petitioner, who was working as a Divisional Accountant, had taken the departmental examination for promotion to the post of Accounts Officer in November, 2011. The petitioner had passed three papers while in the 4th paper, he had obtained 40 marks and thus fell short of five marks to clear the same. He, while referring to Regulation 13.4 of the HSEB Departmental Accounts Examination for Engineer Officers/Engineering Subordinates Regulations, 1988 dated 19.10.1990 (Annexure P-2), submits that a candidate who passes three papers and is short of marks in the 4th paper, shall be allowed grace marks upto five. The petitioner had preferred an application for grant of grace marks in the 4th paper which had been rejected by order dated 07.08.2015 (Annexure P-10) without assigning any reasons.

In paragraph 4 of the petition, the petitioner has made an averment that in terms of notification dated 19.10.1990 (Annexure P-2), grace marks upto five shall be allowed to a candidate who had cleared three papers but did not qualify in the 4th paper.

In the written statement filed by the respondents, the averments made in paragraph 4 are admitted as a matter of record. Learned counsel for the respondents states that in case of several similarly situated employees who had taken the examination in the year 2011, grace marks upto 3 were awarded to them. It was only in the year 2012 that grace marks upto 5 could be awarded to a candidate who does not qualify in the 4th paper. He, however, is not in a position to counter the submissions of learned counsel for the petitioner that in terms of the notification dated 19.10.1990 (Annexure P-2), grace marks upto 5 should be awarded to a candidate who does not clear the 4th paper although he had passed the other three papers.

Heard.

A perusal of the impugned order indicates that it is a totally non-speaking and cryptic order. The impugned order dated 07.08.2015 reads as under:-

“Subject: Request application for allowing grace marks in paper-IX of SO Part-II, Exam conducted in Nov.2011.

Your request application received on 03.03.2015 was put up to MD, HVPNL-cum-President HPTI, Panchkula which was considered and rejected.

This issue with the approval of MD HVPNL-cum-President HPTI, Panchkula HPTI, Panchkula.”

The respondents could not have rejected the application of the petitioner without assigning any reasons which is in clear violation of the principles of natural justice.

Consequently, the petition is allowed and the impugned order is set aside. However, the respondents shall consider the application of the petitioner and pass a speaking order thereon within a period of two months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

April 18, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No