

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-85-886-LPA-2018 in/and
LPA-354-2018 (O&M)
Date of decision: 15.03.2022

Hon'ble High Court of Punjab and Haryana ... Applicant/Appellant

Versus

Nand Lal

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ajaivir Singh, Advocate
for the appellant.

Mr. Nitin Jain, Advocate
for the respondent.

AJAY TEWARI, J (ORAL)

CM-85-886-LPA-2018

These are the applications for condonation of delay in filing
the appeal.

For the reasons mentioned in the applications, the same are
allowed.

Applications stands disposed of.

Main case

The High Court has filed its appeal against the judgment of
learned Single Judge, whereby it was directed that the respondent be
granted benefits from 03.08.2012.

2. The brief facts are that the respondent was working as a
Reader in the subordinate Court and had applied for the post of Reader

in this Court and in the competitive process, was placed at serial number 4, i.e. within the select list. However before he could be appointed, a complaint was filed against him by his brother under Sections 323 and 325 and he had been summoned therein and it was in view of that summoning order that this Court declined to appoint him. It is not disputed that two years later in 2014, that complaint was dismissed as withdrawn. It is also on the record that in the year 2016, the respondent was appointed as a Reader in the next selection process.

3. Learned Single Judge held that the fact that the complaint was dismissed as withdrawn washed away whatever odium had been attracted to the respondent by having been summoned and held that on this ground, he could not be disentitled for being considered for appointment on 03.08.2012 and consequently allowed the writ petition and granted the service benefit to the respondent w.e.f. 03.08.2012 till the actual date of his appointment, i.e. 29.12.2016.

4. We have gone through the entire record.

5. Learned counsel for the appellant has argued that the fact that the respondent was summoned in the complaint was a justified ground for ignoring him for appointment. We are however not inclined towards this line of arguments. There is no dispute with respect to the facts in the present case. In a private complaint, respondent was summoned on 23.01.2013 after declaration of result on 27.07.2012. However, before the charge could be framed the complaint was withdrawn. Once the complaint was dismissed as withdrawn, the respondent could not have been deprived of the fact that he had been regularly selected. So far as the ground raised by the appellant with

respect to certain entries made in the service book of the appellant are concerned, the same can have no bearing on the present case. Admittedly, after considering the merits of the appellant and the same service record, he has been appointed on the same post in the subsequent selection process in the year 2016.

6. Learned Single Judge has also taken great pain to reproduce the service record of the respondent which also reflects that he deserves to be appointed.

7. No other plea has been raised by the appellant. In the circumstances, the appeal stands dismissed.

8. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

**(PANKAJ JAIN)
JUDGE**

15.03.2022
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No