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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-512-2023 (O&M)

Date of Decision: 01.05.2023

PRIYANKA

.....Appellant

V/s.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: **HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO.**
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present Mr. Puneet Kansal, Advocate
for the appellant.

M.S. RAMACHANDRA RAO, J. (Oral)

CM-1377-LPA-2023

Application is allowed as prayed for.

LPA-512-2023 (O&M)

1. The appellant has preferred this LPA against judgment dt.02.03.2023 passed by the learned Single Judge in *CWP-822-2015*.
2. Notice of motion.
3. Mr. Abhaypal Singh Gill, DAG, Punjab accepts notice on behalf of respondents-State.
4. The Writ Petition i.e. *CWP-822-2015* had been filed by the appellant for quashing of the order dt.29.05.2009, order dt.12.08.2009, order dt.05.06.2014, and order dt.23.07.2012 (Annexures P-2, P-3A, P-9 and P-11 respectively).
5. Vide the said orders, the appellant's request for appointment on compassionate basis had been rejected.

6. Her father had died in harness on 18.03.2007 and she had submitted an application for appointment on compassionate basis in terms of instructions issued in the year 2002. The same was kept pending in 2009 and it was rejected on 29.05.2009.

7. It is contended by the counsel for the appellant before the learned Single Judge that the orders impugned in the Writ Petition are non-speaking, and there were no reasons communicated therein.

8. When the matter was listed before the learned Single Judge on 19.12.2022, counsel for the respondents admitted that in view of the communication dt.18.05.2010, the appellant's case would be re-examined by the quarter concerned within 6 months from that day. After noting the said statement of the learned State counsel, the matter was adjourned to 01.03.2023.

9. In the meantime, the Roster changed, and the matter was listed before a different learned Single Judge. He however went into the merits of the case, and dismissed the Writ Petition.

10. Counsel for the appellant contended that having conceded on 19.12.2022 before the learned Single Judge that the case of the appellant would be re-examined, the State not only did not do so, but instead submitted arguments on merits which was not expected of it to do.

11. Though, counsel for the respondents sought to contend that the learned Single Judge insisted on deciding the matter on merits, we are of the opinion that the claim in the Writ Petition being one of rejection of case of the appellant for being appointed on compassionate grounds by passing

non-speaking orders, the learned Single Judge should have taken note on concession of the learned State Counsel that case of the appellant would be re-examined, and the failure on the part of the State to do so when the matter was next listed, and should have directed the respondents to re-examine the case of the appellant instead of himself taking a call on merits, which was not warranted.

12. In view of the aforesaid, this LPA is allowed; order dt.02.03.2023 passed in CWP-822-2015 is set aside; and the respondents are directed to re-examine the case of the appellant in view of the communication dt.18.05.2010 within 8 weeks from today, pass a reasoned order and communicate it to the appellant.

13. No costs.

14. Pending application(s), if any, also stands disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

May 1, 2023
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>