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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9513-2023 (O&M)
Date of Decision: 25.09.2023

Tajinder Kaur
Vs.
State of Punjab and another
..... Petitioner
..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Puneet Gupta, Advocate,
for the petitioner.
Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner had been selected as Member of the District Consumer Disputes Redressal Commission and an order of appointment was issued in her favour on 03.02.2023 (P-8) by the Department of Food Civil Supplies and Consumer Affairs, which stated that the appointment would be on whole time basis for a term of four years or till she attains the age of 65 years, whichever is earlier, from the date she assumes charge of the post. But the order did not mention any last date for joining.
2. The petitioner submitted a representation (P-9) and requested for extension of time for joining as she was to superannuate on 31.05.2023 from the job she was holding i.e. Associate Professor, and therefore she requested to allow her to join till 01.06.2023. Upon receipt of the letter,

the respondents communicated on 24.04.2023 (P-10) that her appointment is cancelled and the next member in the list would be appointed. The petitioner has challenged the said cancellation order dated 24.04.2023 before this Court.

3. Learned counsel for the petitioner submits that there was no last date for joining and the petitioner was ready to join immediately upon being superannuated. No decision was taken on her request and her appointment was cancelled directly, and thereafter no one else has been appointed on the said post till date.
4. In reply, the respondents have taken a plea that the appointment on the posts of Members of the District Consumer Commissions is being monitored by the Hon'ble Apex Court in suo moto writ petition no.2/21 with directions to fill the existing vacancies in a time-bound manner with further directions that delay in making appointment shall be viewed seriously.
5. However this Court finds that the observations of the Supreme Court are not being followed and the respondents have taken a lame excuse for cancellation of the petitioner's appointment on the said basis, more so, as after issuing cancellation order on 24.04.2023, more than five months have passed by and no one else has been appointed in place of the petitioner.
6. This Court also takes notice of the order passed by the Supreme Court in suo moto writ petition no.2/21 and find that the Apex Court has passed an order as under:

“We direct the States to work out the vacancies for the next six months and notify the same so that the process begins with such time in advance that at the time when the vacancy arises a candidate should be available to fill in all the vacancies rather than let the vacancies continue for a long period of time.”

- 7. In view of above and considering that the petitioner stood already selected and is ready to join as she stands already superannuated, this Court allows this writ petition and directs the respondents to allow the petitioner to join on the post.
- 8. If the petitioner joins within seven days henceforth, the respondents shall allow her to join on the post, failing which the respondents shall immediately take steps to appoint the next empanelled person who shall be issued appointment order after the completion of seven days. No further time shall be granted to the petitioner.
- 9. Writ Petition is ***allowed*** in the aforesaid terms.
- 10.All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 25, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |