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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-124-2013 (O&M)

Date of Decision: 21.11.2023

Manpreet Singh

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Vikas Singh, Advocate for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

Mr. D.S. Patwalia, Sr. Advocate with
Ms. Sehar Navjeet Singh Sandhu, Advocate
for respondents No.4 to 7.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. It is informed by the counsel for respondents No.4 to 7 that during the pendency of this writ petition, the services of the respondents have been dispensed with treating them as unqualified. The respondents have filed an appeal against the said order, which is pending for adjudication before the concerned Secretary. Learned counsel submits that as the Secretary is required to decide about the validity of the qualifications held by respondents No.4 to 7, the respondents should be allowed to pursue their appeal before him.
2. Learned counsel appearing for the petitioner submits that in the event of services of respondents No.4 to 7 having been terminated on account of their being disqualified for the post, the prayer of the petitioner to be appointed as Technician Grade-I (Head Electrician) survives, and the respondent authorities must treat the petitioner to be eligible and qualified for appointment.

3. However, the State has filed its reply and submitted that the Punjab Subordinate Services Selection Board has not treated the petitioner qualified, and therefore the petitioner cannot be appointed.
4. Since the Secretary is seized with the matter relating to the issue of qualification of respondents No.4 to 7, it would be appropriate to leave it open for the Secretary to also examine independently the issue whether the petitioner possesses the qualification for the post, and if so, whether the petitioner is required to be appointed in place of the respondents or whether the respondents No.4 to 7 are required to be continued.
5. Leaving all the questions for the Secretary to decide, and also directing not to be influenced by the pleadings in the present writ petition of the respective parties, it is directed further that the Secretary shall hear the petitioner as well as the respondents No.4 to 7 personally, and pass a speaking order with regard to their respective qualifications, eligibility and appointment. The orders shall be passed preferably within a period of one month henceforth, but not later than two months.
6. It goes without saying that whoever may be aggrieved shall be free to seek redressal of his grievances before the appropriate forum.
7. Writ Petition stands disposed of.
8. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 21, 2023

Mohit goyal

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