

RA-LP-51-2018
IN
LPA-654-2018

1

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

RA-LP-51-2018

IN

LPA-654-2018

Date of decision: 18.04.2023

Reserved on 24.03.2023

State of Punjab and others

....Appellants

Versus

Harmeet Singh

..Respondent

**CORAM: HON'BLE MR JUSTICE M.S.RAMACHANDRA RAO
HON'BLE MR JUSTICE ANIL KSHETARPAL**

Present:- Ms. Deepali Puri, Addl. AG, Punjab

Mr. Sanjay Kaushal, Sr. Advocate with
Ms. Ojaswini, Advocate for the respondent

ANIL KSHETARPAL, J

1. This application has been filed by the respondent with a prayer to review judgment dated 20.08.2018 on the ground that this order has been passed without issuing notice to him. Learned State counsel (appellant in the LPA) does not dispute this fact. Hence, the order dated 20.08.2018 is recalled.

2. With the consent of the learned counsel representing the parties, the main case is taken on Board for final disposal.

3. This intra Court appeal under Clause 10 of the Letters Patent has been filed by the State of Punjab challenging the judgment and order dated 05.02.2018 passed by the learned Single Judge. In fact, the order

has been passed by the learned Single Judge without issuing notice to the State of Punjab.

4. The relevant facts, in brief, are as under.

Pursuant to the recruitment notice issued on 10.09.2016, 1227 posts of Revenue Patwari and 857 posts of Canal Patwaris were sought to be filled. After the written test, the shortlisted candidates were called for counseling between 07.12.2016 and 10.12.2016. Subsequently, another public notice was issued for holding counseling on 19.12.2016. The respondent-Harmeet Singh did not find his place in the select list, however, he was issued a letter intimating that he has been placed in the waiting list. Since no appointment letter was issued to the petitioner, he made a representation on 27.04.2017 while claiming that 79 seats are still lying vacant. Thereafter, he filed CWP-25549-2017, which was disposed of while directing the respondents-State to decide the petitioner's representation, on the very first date of hearing. Pursuant thereto, the Deputy Director Land Records passed an order on 19.12.2017 disclosing that no waiting list has been prepared and the letter intimating the waiting list was temporary in nature, which was specified in the letter itself. Subsequently, a detailed order was passed by the Director Land Records enlisting three different reasons to reject the petitioner's request. Thereafter, the respondent again sought the issuance of a writ in the nature of Certiorari to quash the order dated 19.12.2017 passed by the Deputy Director. The same was also disposed

of by the learned Single Judge, on the first date of hearing itself, with the following order:-

“In view of the stand taken by the State, without adverting to the merits of the case, the present petition is disposed of with a direction to the respondents to complete the exercise for preparation of merit list of the waiting candidates within six weeks from the date of receipt of certified copy of the order. In case, the vacancies are available, in such eventuality, the consequential order be passed as directed by this Court in CWP-25549-2017 (Annexure P-8) to him, within a period of three months thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.”

5. Questioning the correctness of the aforesaid extracted order, the present appeal has been filed. Learned counsel representing the respondent does not dispute that the impugned order was passed without hearing the State of Punjab. It is obvious that the learned Single Judge erred in passing the order without issuing notice to the appellant-State of Punjab.

6. Keeping in view the aforesaid facts, the order dated 05.02.2018 is set aside. Learned counsel representing the respondent has

RA-LP-51-2018
IN
LPA-654-2018

4

disclosed that a subsequent recruitment notice issued by the State of Punjab is the subject matter of challenge in CWP-16853-2018 which is stated to be pending before the learned Single Judge.

7. Keeping in view the aforesaid facts, the writ petition no.2395-2018 is restored to its original number. The office is directed to list the writ petition along with CWP-16853-2018. The parties through their counsels are directed to appear before the learned Single Judge on 25.04.2023.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(M.S.RAMACHANDRA RAO)
JUDGE

18.04.2023
rekha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No