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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-14198 of 2019 (O&M)****Date of decision : September 12, 2024****Anita Pahwa****..... Petitioner****Versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ*********

Present :-Mr. Ashish Pundir, Advocate
for the petitioner.

Ms. Niharika Sharma, Asstt. A.G.Punjab
for respondent Nos. 1 to 4.

Mr. Dushant Jog, Advocate
for respondent No.5.

*********VINOD S. BHARDWAJ, J (Oral)**

1. Challenge in the present petition was to the appointment of respondent No.5 who had allegedly joined service on the basis of a false representation.

2. Learned State counsel has drawn attention of this Court to para No. 4 and 5 of the additional affidavit of Renu Mehta, Assistant Director, Office of Director, School Education (Secondary) Punjab dated 13.10.2023 on behalf of respondent Nos. 1 to 4. Para Nos. 4 and 5 reads thus:-

“4. .That it is pertinent to mention here that Respondent no 4 is competent authority to take independent decision on the issue regarding appointment of employees of Group-A service in education department of Punjab as per section 4 of notification issued by Punjab government Gazette June 22, 2018. (Annexure R-3). It is mentioned in the notification that appointment to service shall be made



by the Government and further as per section 9(2) the authority empowered to impose penalties as specified in rule 5 of Punjab Civil Services (Punishment and Appeal) Rules, 1970, in respect of the members of the services, shall be the Government, thus the Respondent no. 4 is competent authority to take decision regarding punishment to Respondent no. 5 had given opportunity of personal hearing to her on 23.03.2018. During the hearing Respondent no. 5 submitted that she got married on 31.03.1988 and she had given birth to twins on 19.10.1989. The Respondent no. 5 also submitted certificates issued by Punjab School Education Board in this regard and also produced the birth certificates of her children. It was also observed that Respondent no. 5 was given appointment as per the policy/circular letter no 18/14/86-5PP1(1703)5964 dated 24.04.1986 applicable in the case of Respondent no 5 which also didn't bar the married daughter to get appointment on compassionate grounds. The relevant extract of said policy is reproduced hereas under:-

“It is further clarified that the following categories are to be included in the term member of the family for purpose of employment to be afforded as a result of these instructions:

- 1. Husband/Wife;*
- 2. Sons/daughters;*
- 3. Father/mother; and*
- 4. dependent brothers/sisters. (Annexure R-4)*

5. That it was observed in the view of above, the competent authority was not in concurrence with the inquiry report submitted by the inquiry officer. That Respondent no. 5 was rightly appointed and there was no violation of the policy prevalent at the relevant time which was applicable in the case of Respondent no. 5. The

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Respondent no. 5 Davinder Kaur was exonerated by the competent authority vide order dated 06.04.2018. It is also worth to mention here that now after rendering more than 28 years of services the Respondent no. 5 has retired on 31.08.2021. Hence the order dated 06.04.2018 was rightly passed as legal, valid and a rational order which is sustainable in the eyes of law”

3. Referring to above, it is contended that respondent No.5 had been rightly appointed and that there was no violation of any policy prevalent at the relevant time as was applicable, she was exonerated by the competent authority vide order dated 06.04.2018. It has also been stated therein that respondent No.5 superannuated from service on 31.8.2021 after rendering more than 28 years of service.

4. Learned counsel for the petitioner does not dispute that respondent No.5 has already superannuated from service. Under the given circumstances, I am of the opinion that the issue involved in the present petition is merely academic. While keeping the question of law open, the present writ petition is disposed of as having been rendered infructuous.

5. Pending application(s), if any also stand disposed of.

**(VINOD S. BHARDWAJ)
JUDGE**

September 12, 2024
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**Whether speaking/reasoned
Whether Reportable :**

**Yes/No
Yes/No**