

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-22136-2020

Date of Decision: 14.02.2024

SUKHMINDER KAUR

.....PETITIONERS

VS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM:HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Gagneshwar Walia, Additional AG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing/setting aside impugned order dated 05.08.2020 (Annexure P-9) whereby the respondents have wrongly granted Selection Grade to the petitioner with effect from 10.04.2015 instead of 23.02.2007.

2. Learned counsel for the petitioner *inter alia* contends that though vide order dated 06.03.2020, Annexure P-6 passed by this Court in CWP-1036-2016, the Appellate authority was directed to consider the appeal of the petition on the grounds taken by her therein and pass a fresh order but it vide order dated 05.08.2020, Annexure P-9, has again rejected the same without taking into consideration that the ACRs for the year 2002-2003 till 2007-2008 were never communicated to him. Learned counsel consequently submits that, the same could not have been taken into consideration while deciding the issue of grant of selection grade to him with effect from 23.02.2007, the date on which, he completed 14 years of service. He further submits on instructions from the

petitioner that he would be satisfied if the matter is sent back to the concerned authority and it is decided afresh taking in to account the aforesaid.

3. Learned State counsel has no objection to the limited prayer made

4. In view of the above, the impugned order dated 05.08.2020 is set aside. The matter is remanded to the appellate authority to reconsider the appeal of the petitioner and decide the same by taking into consideration the aforesaid facts and grounds mentioned in the appeal, within a period of 06 months and if found entitled, the necessary benefits be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

14.02.2024

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Whether speaking/reasoned

Whether reportable

(AMAN CHAUDHARY)

JUDGE

Yes/No

Yes/No