



CWP No.32466-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.32466-2024 (O&M)

Date of Decision: 09.12.2024

Harjeet Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harbir Sandhu, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of *Mandamus inter alia* for directing respondent No.3-The Transport Commissioner-Cum-Appellate Authority, Punjab to expeditiously decide appeal No.001 of 2024 under Punjab Motor Vehicle Act, 1924 and further directing the respondent No.2-The State Transport Appellate Tribunal, Chandigarh to expeditiously decide revision petition No.1 of 2024 under Section 90 of the Motor Vehicle Act, 1988.

2. This Court, on 02.12.2024, passed the following order:-

“Writ petition has been filed for quashing of the order impugned dated 11.12.2023 (P-4), passed by respondent No.4.

(2) Concededly, the aforesaid order be appealable before the State Transport Appellate Tribunal-cum-Food Safety Appellate Tribunal (for short, ‘the Tribunal’).

(3) Learned State counsel has produced a copy of order dated 13.09.2024, passed by learned Registrar General of this Court and the same is taken on record as Mark ‘X’.

(4) Bare perusal of the aforesaid order reveals that Ms.



Jatinder Kaur-II, District & Sessions Judge was deputed to discharge the duties of the Presiding Officer of the Tribunal, but this Court has been apprised that till date, the Government has not issued the requisite notification under Sections 89 & 90 of the Motor Vehicles Act, 1988, in this regard.

(5) Since public at large is suffering on account of an inaction on the part of Government; therefore, Secretary, Government of Punjab, Department of Transport is directed to take necessary steps before the date fixed.

(6) Posted for 07.12.2024.

(7) In case there is a failure, legal consequences shall follow.”

3. In pursuance of the aforesaid order, learned State counsel has produced Notification dated 05.12.2024 issued by Government of Punjab, Department of Justice (Judicial-1 Branch), which is taken on record as Mark ‘Y’. Copy supplied to the other side.

4. For reference, relevant part of the same reads as under:-

“No.01/05/2020-3Jud1/822-825 On the recommendation of the Hon’ble Punjab and Haryana High Court, Chandigarh, conveyed by its Registrar General vide letter No.523 Gaz.1/VI.Z.18, dated 17.09.2024, the Governor of Punjab is pleased to accord ex-post facto approval to appoint Ms. Jatinder Kaur-II, District & Sessions Judge, as Presiding Officer, State Transport Appellate Tribunal-cum-Food Safety Appellate Tribunal, Punjab, on deputation, against vacant post.

*Dated:05.12.2024
Chandigarh*

*Alok Shekhar
Additional Chief Secretary
to Government of Punjab
Department of Justice.”*

5. Perusal of the above extract reveals that Government of Punjab has issued *ex post facto* approval for appointment of Ms. Jatinder Kaur-II, District & Sessions Judge, as Presiding Officer, State Transport Appellate Tribunal-cum-Food Safety Appellate Tribunal, Punjab, on deputation, against vacant post.

6. In view of the above development, learned counsel for the

petitioner, does not press the present petition “at this stage” with liberty to



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take recourse to the remedy as per law.

7. Disposed off with liberty aforesaid.

Pending application(s), if any, shall also stand disposed off.

09.12.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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