



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CWP-13379-2011

Date of Decision: 08.12.2025

HARMESH KUMAR GARG

...Petitioner

Versus

THE PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY
AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ojaswini Gagneja, Advocate for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Jyoti Pandey, Advocate
for respondent No.1.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of *mandamus* directing the respondents to award five marks for additional qualification to the petitioner as per the criteria, and fixed his merit for the post of Senior Assistant (Accounts).

2. This Court, vide order dated 15.10.2025, had passed the following order:-

“Learned counsel for the petitioner relies upon the selection criteria available at Annexure P-2, which was considered incorrect by the respondent-Authority. However, in the replication, the petitioner has also provided the selection criteria (Annexure P-10) obtained through the Right to Information Act, 2005, which is supposedly the same as Annexure P-2.



Further, the additional affidavit filed by the respondent-Authority, available at page 137 of the paperbook, indicates that an inquiry is underway regarding the information provided to the petitioner under the Right to Information Act, 2005 as the same is contrary to the records of the respondent-Authority.

Learned Senior counsel for the respondent-Authority has assured this Court that the Chief Administrator, PUDA will personally inquire into the controversy involved in the present case surrounding the selection criteria.

In view of above, the Chief Administrator, PUDA is directed to file her affidavit after concluding her inquiry, deliberating upon the following:

- (i) What is the outcome of the inquiry conducted with respect to providing allegedly incorrect information supplied under the Right to Information Act, 2005.*
- (ii) Whether any appeal has been filed before the Public Information Officer under the Right to Information Act, 2005? If so, indicate the outcome thereof.*
- (iii) How have two candidates namely- Tripta Mittal and Saurabh Nagori, been granted additional marks by employing two different criteria? Also indicate the criteria under which their selection has been made along with their complete particulars in this regard.*

In case, the Chief Administrator discovers that affidavit providing incorrect information has been filed before this Court to pollute the stream of justice, she will be at liberty to fix responsibility and take appropriate disciplinary action against the concerned person.

Adjourned to 03.11.2025.

To be shown immediately after urgent list.”

3. In terms of the aforementioned order, the Chief Administrator, PUDA has filed her affidavit dated 08.12.2025, which is taken on record. The relevant part of the same is reproduced below:

4. That with reference to query no. (i) and (ii) in the order dated 15.10.2025, it is submitted that no inquiry had been conducted earlier regarding the information provided to the Petitioner under the Right to Information Act, 2005. Further, no appeal was preferred by the Petitioner before the Public Information Officer under the Right to Information Act, 2005.

5. That it is further submitted that Sh. Sanjiv Kumar, Senior



Assistant, who was posted in the RTI Branch of PUDA during the period, when the information under the RTI Act was supplied, was issued a Show Cause Notice (Annexure R-1/2) vide Memo No. 2987 dated 29.10.2025, directing him to explain his position. He had submitted his reply thereto; however, the same was found unsatisfactory. Consequently, **the deponent had issued a charge-sheet to him** vide Memo No. 135106 dated 04.12.2025. A copy of the Memo is annexed herewith as **Annexure R-1/4**.

6. That, as regards issue mentioned at Sr. no. (iii) in the order dated 15.10.2025, the Deponent has personally examined the controversy involved in the present case with the assistance of the Committee constituted for this purpose. After thoroughly examining the matter and after affording personal hearing to the Petitioner as well as all the Respondents, who are working in PUDA, the Deponent has concluded the inquiry and a copy of this Inquiry Report dated 06.12.2025 is annexed herewith as **Annexure R-1/5**.

7. That as per this inquiry report, **the Petitioner Harmesh Kumar Garg would be higher in merit than Tripta Mittal (Respondent no.5) but lower in merit than Saurabh Nagori (Respondent no. 7) and therefore, he would be entitled for his notional placement on the post of Senior Assistant (Accounts).**” (emphasis added)

4. Learned Senior counsel for the respondents submits that the present petition has become infructuous as after a detailed scrutiny conducted by the Chief Administrator, PUDA herself, it was concluded that the petitioner is entitled to five marks in terms of the additional qualification. Further, the petitioner has secured more marks than respondent No.5, but he stands lower in merit than respondent No.7. Therefore, the petitioner is entitled to notional placement to the post of Senior Assistant (Accounts).

5. In view of the conclusion drawn by the Chief Administrator, PUDA, as mentioned in her affidavit dated 08.12.2025, the present petition is disposed of with a direction to grant the petitioner- seniority and notional benefits as well as all consequential benefits arising out of the revision in the merit list. However, it is clarified that the petitioner shall not be entitled to the arrears of salary for the period he was not officially in service of the respondent-Authority.



6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

08.12.2025
P.Bhatt

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>