

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10944/2005

(From the judgement and order dated 09/12/2004 in CWP No. 20242/2002 of  
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUNITA RANI & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln(s) for directions,impleadment as party respondent and office report )

Date: 05/03/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)/

Applicants

Mr. P.S. Patwalia, Sr.Adv.

Mr. Rajiv K. Garg, Adv.

Mr. Vineet Garg, Adv.

Mr. Annam D.N. Rao,Adv.

Mr. Goodwill Indeevar, Adv.

For Respondent(s)

State of Punjab Mr. Ajay Pal,Adv.

Applicants in

I.A.No.5

Mr. Vikas Mahajan, Adv.

Mr. Vinod Sharma, Adv.

Mr. Vishal Mahajan, Adv.

Mr. Balraj Dewan, Adv.

Mr. Ashok K. Mahajan, Adv.

For applicant

Mr. Nikhil Jain, Adv.

Mr. Gagandeep Sharma, Adv.

Mr. D. Mahesh Babu, Adv.

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UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Vinod Kulvi)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SUNITA RANI & ORS.

Appellant(s)

Versus

STATE OF PUNJAB & ORS.

Respondent(s)

ORDER

The applications for impleadment are allowed. The applicants are impleaded as petitioners in the petition.

Leave granted.

We have heard learned counsel for the parties.

This appeal by special leave is directed against the final order dated 9th December, 2004 in Civil Writ Petition No.20242 of 2002 passed by the Division Bench of the High Court of Punjab & Haryana at Chandigarh whereby the High Court dismissed the Writ Petition.

We find from the record that the issues requiring resolution including questions of law stand settled by this Court in Civil appeal No.3521 of 2006 titled State of

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Punjab & Ors. versus Harcharan Singh & Ors. decided by this Court on February 7, 2007. In the said decision, this Court after elaborate consideration in the matter held as under :-

"We are, however, of the opinion that since the respondents have been selected by a duly constituted Subordinate Services Selection Board and they could not be appointed because of the ban imposed by the Government, in the fitness of things and in the interest of justice and fair play if the respondents could be accommodated to the posts of Lascars for which they have been duly selected as and when the ban of the Government is relaxed or when the posts are revived. We make it clear that in such event the case of the respondents shall be considered first before calling for the fresh candidates by way of advertisement or otherwise."

The said judgment is equally applicable to the present facts on hand.

However, in the present case, admittedly, the posts in question have been revived by the State Government vide its Order dated 10th February, 2006. Thus, there are no legal impediments for consideration of appellants' case for their appointment as Excise & Taxation Inspectors.

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In view of the admitted position, the appellants who have successfully qualified in the written examination and viva voce are entitled for consideration of their cases for being appointed as Excise & Taxation Inspectors by the State of Punjab.

We, accordingly, direct that the respondent - State of Punjab shall consider their cases for being appointed as Excise & Taxation Inspectors first before calling for the fresh candidates by way of advertisement or otherwise within six weeks from today.

The appeal is accordingly, allowed in the aforesaid terms.

Consequently, the order of the High Court shall stand set aside.

We make it clear that the relief granted by this Court is only confined to the appellants who are parties before us.

There shall be no order as to costs.

.....J.  
(LOKESHWAR SINGH PANTA)

.....J.  
(B.SUDERSHAN REDDY)

New Delhi,  
March 05,2009