

To,

1. The Prime Minister Of India,
2. The Governor Of Himachal Pradesh,
3. The Chairman, U.P.S.C.,
4. The Central Vigilance Commissioner.

SUBJECT: - APPOINTMENTS OF THE CHAIRMAN AND MEMBERS OF HIMACHAL PRADESH PUBLIC SERVICE COMMISSION, HENCEFORTH CALLED HPPSC, IN VIOLATION OF THE DIRECTIONS OF THE SUPREME COURT ORDERS PASSED IN CIVIL APEAL NO. 7640 OF 2011.

Sir,

Kindly find emnclosed the copy of the relevant portion of the above said order vide which Justice Madan B. Lokur has directed as " GIVEN THE EXPERIENCE IN THE MAKING OF SUCH APPOINTMENTS, THERE IS NO DOUBT THAT UNTIL THE STATE LEGISLATURE ENACTS AN APPROPRIATE LAW, THE STATE OF PUNJABMUST STEP IN AND TAKE URGENT STEPS TO FRAME A MEMORANDUM OF PROCEDURE AND ADMINISTRATIVE GUIDELINES FOR THE SELECTIONB AND APPOINTMENT OF THE CHAIRPERSON AND MEMBERS OF THE PUNJAB PUBLIC SERVICE COMMISSION, SO THAT THE POSSIBILITY OF ARBITRARY APPOINTMENTS IS ELIMINATED."

After this order was passed on 15/02/2013, it has become the law of the land. This is a matter of surprise that the Government Of Himachal Pradesh has not cared to implement this order of the Supreme Court. On the contrary, the Chief Minister Of Himachal Pradesh appointed the previous chairman of the HPPSC, just after 60 days of the pronouncement of this judgment, though a fax order without formulating any procedure of the appointment. I protested and brought into the notice of the Chief Minister the order of the Supreme Court. Surprsingly the same Chief Minister Sh. Virbhadra Singh again appointed one Member of the HPPSC Smt. Meera Walia also without following the orders of the Supreme Court.

After the change in Government in Himachal Pradesh, Sh. Jai Ram Thakur took over as the Chief Minister. He got created two additional posts of the Members of the HPPSC, when all the three posts were already occupied, and appointed one Smt. Archna Gupta as the Member of the HPPSC within 15 days of his taking over. This is pertinent to mention here that I had detailed discussions on this issue with Sh. Jai Ram Thakur, when he was an MLA sitting in the opposition benches. This appointment of Smt. Archna Gupta was also done without formulating any procedure of selection.

Therefore you are requested to intervene in this matter and direct the quashing of these illegal appointments so that these Constitutional Posts do not look like the political ones and thew confidance of the candidates appearing in front of these members do not get shaken.

13

Yours Faithfully,

Dev Ashish

**(Dev Ashish Bhattacharya),
B-5, Pocket-7, Block-54,
Kendriya Vihar, Sector-82,
NOIDA, U.P.-201304,
Cell No. 09810108363,
E-Mail:- rtidab@gmail.com**

Dev Ashish Bhattacharya

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7640 OF 2011

State of Punjab ... Appellant

Versus

Salil Sabhlok & Ors. ... Respondents

WITH

CIVIL APPEAL NO. 2685 OF 2012,

CIVIL APPEAL NO. 3687 OF 2012

AND

CIVIL APPEAL NOS. 1365-1367 OF 2013

[Arising out of SLP (Civil) Nos. 22010-22012 OF 2011]

J U D G M E N T

Madan B. Lokur, J.

1. While I entirely agree with Brother Patnaik, but given the seminal importance of the issues raised, I think it appropriate to separately express my views in the case.
2. The facts have been stated in detail by Brother Patnaik and it is not necessary to repeat them.

The issues:

3. The primary substantive issue that arises for consideration is whether the High Court could have - and if it could have, whether it ought to have - interfered in the appointment, by a

constitutional appointments as long as the constitutional, functional and institutional requirements are met and the appointments are in conformity with the indicators given by this Court from time to time.

111. Given the experience in the making of such appointments, there is no doubt that until the State Legislature enacts an appropriate law, the State of Punjab must step in and take urgent steps to frame a memorandum of procedure and administrative guidelines for the selection and appointment of the Chairperson and members of the Punjab Public Service Commission, so that the possibility of arbitrary appointments is eliminated.

112. The Civil Appeals are disposed of as directed by Brother Patnaik.

..... J.
(Madan B. Lokur)

New Delhi,
February 15, 2013