

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

**CWP No.11096 of 2014
Date of decision:23/03/2015**

Kuldeep Singh

...Petitioner

Versus

Financial Commissioner, Development, Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Manish Gupta, Advocate for the petitioner.

Mr. Suresh Singla, Addl. A.G. Punjab.

Mr. Anupam Singla, Advocate for respondent No.2.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

DEEPAK SIBAL, J. (Oral)

While discharging his duties as Executive-II, the petitioner was served with a charge-sheet on account of certain acts of omission and commission on his part. His reply having been found to be unsatisfactory, he was subjected to a regular departmental enquiry in which he was found guilty. The enquiry report alongwith the show cause notice was served upon the petitioner to which he submitted his reply. After considering the enquiry report as also the reply submitted by the petitioner, vide order dated 9.3.2010, the services of the petitioner were ordered to be terminated. The petitioner challenged the termination order by preferring an appeal before the Appellate Authority i.e. Chairman Punjab Agro Industries Corporation Limited (hereinafter referred to as the "Corporation"). The Chairman of the respondent-corporation considered the appeal and vide order dated 20.11.2012 set aside the termination order passed against the petitioner.

The above referred order dated 20.11.2012 passed by the

Appellate Authority was challenged by the respondent-corporation by way of a revision petition before the Government. The revision petition was purportedly filed under amended clause 34 of the standing orders of the respondent-corporation. The petitioner objected to the very maintainability of the revision petition on the ground that the amended clause 34 of the standing orders under which the revision petition had been filed had not yet come into force as its certification from the Labour Commissioner Punjab, was still pending. Though the Authority considering the revision petition acknowledged the fact that the amended clause 34 of the standing orders had yet not come into force and on that Court ordered dismissal of the same but at the same time granted liberty to the respondent-corporation to pass fresh orders with the approval of the Board of Directors.

Once the revision petition was admittedly not maintainable before the Government then no direction of any sort whatsoever nor any liberty could have been granted as has been granted in the impugned order.

Thus in view of the facts and circumstances narrated above, order dated 13.3.2014 to the extent that it grants liberty to the respondent-corporation to pass fresh orders with the approval of the Board of Directors is quashed as the same is found to be without jurisdiction.

The writ petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

23.03.2015
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