

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 19587-2011

Date of Decision: 18.08.2015

SUKHCHAIN SINGH

....Petitioner.

VERSUS

PUNJAB STATE CIVIL SUPPLIES CORPORATION LTD.

....Respondent.

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Dhiraj Chawla, Advocate,
for the petitioner.

Ms. Depali Puri, Advocate,
for the respondent.

P.B BAJANTHRI, J. (Oral)

Challenge in the instant writ petition is to the order dated 07.01.2011 at Annexure P-6, passed pursuant to the directions issued by this Court in CWP No. 3125 of 2010 dated 22.07.2010.

The question for consideration is regarding regulating the two spells i.e. 06.06.1986 to 22.07.1991, which relates to suspension period and 12.10.1994 to 17.04.2006, for which the petitioner was dismissed from service.

Reading of the order dated 07.01.2011, it is crystal clear that no orders have been passed for the second spell i.e. 12.10.1994 to 17.04.2006. It has been stated that no relief was sought by the petitioner for dismissal period, as such the Appellate Committee did not prefer to pass any order regarding intervening period that is from the date of dismissal till reinstatement in service.

Under Rule 7.3 (1) of the Punjab Civil Services Rules, the

competent authority has to pass an order in so far as second spell is concerned but before regulating second spell, the petitioner is entitle for notice. As such, the respondent or competent authority may issue necessary notice to the legal representatives of the deceased-employee before passing any order relating to second spell.

The writ petition is, accordingly, disposed of with a direction to the respondent to pass a speaking order for the second spell i.e. 12.10.1994 to 17.04.2006 after serving necessary notice to the legal representatives of the petitioner, preferably within a period of **two months** from the date of receipt of certified copy of this order.

18.08.2015
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(P.B BAJANTHRI)
JUDGE