

Civil Writ Petition No. 20414 of 2015 (O&M)

Date of decision : December 17, 2015

Gurmit Singh

.....Petitioner

Versus

Shiromani Gurdwara Prabhandak Committee

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for quashing of order dated 09.01.2013 (Annexure P-1) passed by respondent wherein petitioner has been relieved from service under Rule 6 of Shriomani Gurdwara Parbandhak Committee Service Rules (hereinafter referred to as 'SGPC rules').

It is contended that petitioner was working as Sewadar at Farm Jalalabad (West) attached to Sri Darbar Sahib, Amritsar in the year 2012. Date of appointment, joining of service or nature of services is not mentioned in writ petition neither is learned counsel able to reveal the same. It is contended that petitioner applied for leave for two days i.e. 28.09.2012 and 29.09.2012 which was duly sanctioned. Due to acute back pain and disc problem, he could not join duty. He apprised the respondent about his problem along with

medical certificate. However, impugned order dated 09.01.2013 has been passed relieving him from his duties. Petitioner submitted representations dated 01.09.2013, 02.05.2014 and 03.12.2014 but to no avail. Learned counsel submits that proper procedure under Rule 4 of the above said rules has not been followed thereby vitiating the impugned order. It is further submitted that by passing impugned order under Rule 6 of the service rules, he has been deprived of his remedy of appeal which he may have preferred if the order was passed by the President under Rule 4 of the service rules.

After hearing learned counsel and going through the file, it is apparent that first of all there is a complete lack of necessary and material particulars inasmuch as even date of appointment is not revealed in the writ petition. It is apparent that petitioner never joined duty since 30.09.2012. Reliance on medical certificate dated 13.01.2013 (Annexure P-3) is of no avail to the petitioner. This is so for the reason that respondent had sent registered notice vide office letter No. 5257 dated 02.11.2012 and petitioner does not deny service of said registered notice as mentioned in impugned order.

Admittedly, no action was taken by him even at that point of time. No intimation was sent to the authorities at that time. Petitioner chose to ignore the said notice. Medical certificate dated 13.01.2013 (Annexure P-3) issued by the private clinic/hospital simply states that he was suffering from acute back pain and was under treatment and advised complete bed rest from 30.09.2012 till 13.01.2013. It is relevant to note that impugned order was passed on 09.01.2013. There is reference of the petitioner being admitted at

Beas Radha Soami Hospital up to 30.01.2013 in his representations attached as Annexure P-4, collectively but no documents to this effect is on record. Despite sufficient opportunity having been afforded to the petitioner, no medical record has been produced to substantiate his claim.

Learned counsel relies on decision dated 07.03.2000 in CWP No. 3726 of 1998 (Jaswant Singh versus Shiromani Gurdwara Prabhandak Committee and another). Said judgment is not applicable to the facts and circumstances of the case as no notice whatsoever was issued to the petitioner therein before passing order of termination of his services. In the present case, registered notice dated 02.11.2012 was admittedly served upon the petitioner. Once registered notice was issued by the respondent authorities and petitioner did not come present, there was not much that the authorities could do. Impugned order has been correctly passed.

In the factual matrix as above, learned counsel for the petitioner is unable to point out any infirmity or illegality in impugned order dated 09.01.2013.

Consequently, this writ petition is dismissed.

December 17, 2015
rts

(Lisa Gill)
Judge