

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

CWP No.24492 of 2015

Date of decision:26.11 2015

Vijay Kumari

... Petitioner

Versus

Principal Secretary, Govt. of Punjab, Department
of Education(S), Chandigarh & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surmukh Singh, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.(Oral)

1. The services of the petitioner were terminated after conducting a regular departmental inquiry for willful absence from duty w.e.f. July 3, 2006 to February 5, 2012. Against the termination order, a departmental appeal has been filed by the petitioner before the Principal Secretary, Education Department (Schools), Punjab, Chandigarh, a copy of which has been placed as Annexure P-18. The statutory appeal filed on September 9, 2015 has not yet been decided and remains pending.

2. The prayer for setting aside the termination order in writ jurisdiction by issuance of certiorari at this stage is declined as premature nor can be contemplated for the reason that alternative remedy against the dismissal order has been availed, which is statutory in nature, and petitioner must await decision. No opinion can be expressed on the merits of the case in the face of pending appeal.

3. In view of the above situation, learned counsel prays that hearing on the appeal may be ordered to be expedited within a reasonable time keeping in view the fact that the appeal has been filed on September 9, 2015 and delay everyday feeds the fires of injustice and keeps the petitioner on tenterhooks. She has lost her livelihood and right to pension.

4. It cannot be said that the appeal filed on September 9, 2015 has been kept pending for unreasonable time. It is expected that the appellate authority would consider and decide the appeal within a reasonable time as may be fixed in the rules and instructions of Punjab Government on the subject of decision in appeals and in case there are none then at least within 6 months from the date when the appeal was filed.

5. With these observations and directions, the petition stands disposed of without expressing any opinion on the merits of the pending appeal. No message is sent by this order except that appeals of the present kind should be decided within reasonable time. This Court has no doubt that the appeal would have been decided within reasonable time even if the petitioner had not approached this Court in an ill-timed petition which has compelled passing of an order.

(RAJIV NARAIN RAINA)
JUDGE

26.11.2015
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