

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

Civil Writ Petition No.848 of 2015

Date of decision: 19.1.2015

Head Warder Mohinder Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.D.S.Patwalia, Sr.Advocate with
Mr.Sehaj Bir Singh, Advocate
for the petitioners.

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

RAJIV NARAIN RAINA, J.(Oral)

It would always be fair and reasonable for statutory appeals against dismissal from service to be decided expeditiously and with dexterity since valuable rights are involved which touch upon the livelihood of the person dismissed from service. Mr.Patwalia submits that petitioner No.1 was dismissed from service on 9th July, 2014 while petitioner No.2 met the same fate on 3rd July, 2014 consequent upon common proceedings held against them in a domestic enquiry following issuance of a charge sheet to both of them alleging major misconduct.

Aggrieved by the orders of dismissal, the petitioners have filed statutory appeals before the 2nd respondent on 5th August, 2014, both on the same day.

Mr.Patwalia further submits that he would be satisfied if the statutory appeal is ordered to be decided within a reasonable time.

What is the reasonable time has reference to the nature of the injury and the rights infringed. Dismissal is the severest form of punishment in service law as it renders the person unfit for future service under the Government. Soon enough 6 months would have gone by and in the circumstances when the appeals remain pending, Mr.Patwalia prays that his clients deserve a fair hearing at the earliest opportunity available to the appellate authority so that they can receive final orders on their appeals and their rights be made known.

Though there is no impugned order passed to be assailed in this petition but the ends of justice would be met if a direction is issued to the 2nd respondent/appellate authority to consider and dispose of the appeal on merits after affording an opportunity of hearing to the petitioners and to complete the exercise within a period of 6 weeks from the date of receipt of a certified copy of this order.

It is ordered accordingly and the petition stands disposed of in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

January 19, 2015
Paritosh Kumar