

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

Civil Writ Petition No.10149 of 1995

Date of decision: 6.4.2016

Kuldeep Kumar Sharma through his LRs

... Petitioner

Versus

P.R.T.C. Patiala and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.O.P.Sharda, Advocate,
for the petitioner.

Mr.Balwinder Singh, Advocate,
for the PRTC.

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

RAJIV NARAIN RAINA, J. (Oral)

The petitioner died during the pendency of this petition. His LRs were brought on record. On 18.7.1995, the Division Bench of this Court admitted the case by passing the following order : -

“Heard the learned counsel for the petitioner.

Admit.

Taking into consideration the fact that successive Inquiry Officers have exonerated the petitioner but even then he has been removed from service by the impugned order, we find it just and proper to stay the operation of the order dated 14.7.1995. Accordingly, we order that in the meantime operation of the order dated 14.7.1995 shall remain stayed

and the petitioner shall be allowed to continue on the post which he was holding on 14.7.1995.”

The objection raised by Mr.Balwinder Singh appearing for PRTC that a statutory appeal is available against the order of removal and, therefore, the petitioner should be relegated to that remedy, is rejected in view of the order of admission.

After matters are admitted, it would not be proper exercise under writ jurisdiction to remand, remit or send back cases to the administrative authority for decision on appeal especially when 21 years have gone by from the date of admission of this case.

Since the petitioner is dead, no harm can be done to his LRs. In case of success of the petition, they would take the monetary benefits.

Mr.Sharda informs the Court that the petitioner had put in more than 24 years of service to his credit when the order of removal was passed and it would be unjust to deprive him of pension and his wife of family pension.

I have no reason not to interfere in this matter and would set aside the impugned order of removal dated 14.7.1995 by making the interim order dated 18.7.1995.

Allowed.

The pension/retiral benefits be paid to the LRs of the petitioner within two months from the date of receipt of a certified copy of this order.

(RAJIV NARAIN RAINA)
JUDGE

April 6, 2016
Paritosh Kumar

