

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

**Civil Writ Petition No. 21882 of 2012 (O&M)
Date of Decision: 21.07.2016**

Rajinder Singh

..... Petitioner

Versus

Shiromani Gurdwara Parbandhak Committee,
Sri Amritsar and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Avtar Singh Khaira, Advocate
for the petitioner.

Mr. Sukhbir Singh, Advocate
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner-Rajinder Singh was serving as a Clerk with Gurdwara Sahib Bhagta Bhai Ka, Tehsil Phool, District Bathinda, when his services were terminated vide impugned order dated 06.07.2010 **(Annexure P-5)** for his continued absence for more than ten days.

Upon notice, a reply has been filed on behalf of Shiromani Gurdwara Parbandhak Committee and the Manager of the aforesaid Gurdwara. It is stated that as per Rule 6 of Sikh Gurdwara Employees Service Rules framed under Section 132 of Sikh Gurdwara Act, 1925, the Committee was competent to order the termination of the petitioner for the continued absence for more than ten days, after the approval by the President of the Shiromani Gurdwara Parbandhak Committee. It is next submitted that the writ petition is not maintainable as the appeal against the

termination order (P-5) lies to the Executive Committee of the Shiromani Gurdwara Parbandhak Committee.

Learned counsel for the petitioner contends that the alleged absence of the petitioner from his duty is not factually correct, as he was not being permitted to mark his presence due to the *mala fide* of Gurtej Singh, Manager of the Gurdwara (respondent No. 2 herein). It is next contended that no opportunity to explain his position was afforded to the petitioner and, therefore, the impugned termination order (P-5) is liable to be set aside for violation of principles of natural justice. In support, he has cited a judgment of this Court rendered in case titled as “***Kirpal Singh Versus Shiromani Gurdwara Parbandhak Committee, 2007 (4) Service Cases Today 818 (P&H)***”.

Learned counsel for the respondents does not dispute the law laid down in the cited judgment, however, stresses that the Appellate Authority is the appropriate forum for the petitioner for redressal of his grievance, as disputed questions of facts cannot be gone into in writ jurisdiction of this Court. He further submits that in case, the petitioner files his appeal within four weeks' from today, the respondents would not raise the question of delay and the Appellate Authority would decide the case on merits.

In response, learned counsel for the petitioner prays for withdrawal the present petition to enable his client to file an appeal in terms of the stand of the respondents.

In view of the aforesaid agreed stand, the present petition stands dismissed as withdrawn.

It is directed that in case the petitioner files an appeal within

four weeks' from today before the Executive Committee, Shiromani Gurdwara Parbandhak Committee, Amritsar, the same shall be entertained and decided on merits.

July 21, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	<i>Yes/No</i>
Whether Reportable	Yes/No