

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CWP No.20134 of 2013

Raj Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

(2)

CWP No.22118 of 2013

Sukhwinder Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

Decided on : 12.05.2016

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.R.K.Arora, Advocate, for the petitioner.

Mr.Anshul Gupta, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

This judgment shall dispose of CWP-20134 & 22119-2013, involving common questions of law and facts. However, to dictate orders, facts have been taken from CWP-20134-2013 titled *Raj Kumar Vs. State of Punjab & others*.

Petitioner seeks quashing of the order dated 29.07.2013 (Annexure P8) whereby the appeal of the petitioner was dismissed against the order dated 26/29.04.2013 (Annexure P6) and stoppage of 2 annual increments with cumulative effect, imposed upon him, was upheld. The petitioner had filed an appeal under Rule 16 of the Punjab Civil Service (Pension & Appeal) Rules, 1970, before the Minister In-charge, since the first order was passed by the Principal Secretary, Punjab Government Education Department (Schools).

A perusal of the appellate order dated 29.07.2013 would go on to show that the same officer, who had dismissed the appeal, had upheld her own order. Specific averment has also been made regarding this aspect, which has not been denied by the State. Even from the perusal of the paperbook, it would be clear that the above facts would depict that the punishing authority and the appellate authority consisted of the same officer. It is settled principle that a person cannot be judge of his own cause. The same Principal Secretary could not have upheld her own order.

Accordingly, the order dated 29.07.2013 (Annexure P8) cannot be held to be justified and the same is quashed. The Appellate Authority shall re-decide the issue afresh, after affording opportunity of personal hearing to the petitioners, for redressal of their grievances, within a period of 3 months from the receipt of the certified copy of this order.

In view of the unwarranted litigation forced upon the petitioners (in both cases), they are held entitled for Rs.10,000/- each, as costs.

Writ petitions stand allowed in the above-said terms.

MAY 12, 2016
sailash

(G.S. SANDHAWALIA)
JUDGE