

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 18498 of 2016 (O&M)

Date of Decision: 07.09.2016.

Surinder Kumar Wadhwa

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. V.K. Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who was serving as a Clerk under the Municipal Corporation, Amabala was implicated in F.I.R No.43 dated 23.12.2001 under the provisions of the Prevention of Corruption Act, 1988 registered with State Vigilance Bureau, Ambala. In the trial that ensued the petitioner was convicted by the Trial Court vide judgement dated 4.2.2006 and sentenced to undergo RI for 3 years and to pay a fine of Rs.25,000/-. The appeal preferred by the petitioner is pending final adjudication before this Court.

The instant petition is directed against the order dated 28.3.2016 (Annexure P-13), passed by the Commissioner, Municipal Corporation, Ambala, whereby the petitioner has been dismissed from service. Also under challenge in the instant petition is the action of the respondent authorities in having initiated departmental proceedings vide charge sheet dated 11.2.2016.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the validity of the departmental proceedings initiated against the

petitioner as also the dismissal order dated 23.3.2016 (Annexure P-13) need not be gone into on merits, at this stage.

This view is being taken for the reason that the petitioner has preferred the statutory remedy of appeal available under the Haryana Civil Service (Punishment & Appeal) Rules, 1987 vide appeal dated 18.4.2016 and placed on record and appended as Annexure P-14. Counsel submits that no final decision has been taken on the appeal till date.

The present writ petition is, accordingly, disposed of with a direction to respondent no.1 i.e. the Principal Secretary to Govt. Haryana, Local Bodies, Haryana to expedite the final decision on the appeal at Annexure P-14 and in any case to pass a final order thereupon within a period of three months from the date of receipt of a certified copy of this order.

It is, however, clarified that while disposing of the instant petition, this Court has not expressed any opinion on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.09.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No