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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24320 of 2014 (O/M)
Date of decision : 18.10.2016

Daulat Goswami

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. P.S. Ghuman, Additional A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner was working as S.S. Master in Government Senior Secondary School, Jhanduke (Mansa). Vide the impugned order dated 21.10.2013 (Annexure-P-9), his services were terminated on account of his unauthorized absence from duty with effect from 1.12.2009.

I have heard the learned counsels for the parties and have also carefully gone through the file.

The perusal of the impugned order shows that the show cause notice was sent to the petitioner, but he did not appear and, therefore, the impugned order was passed without holding any inquiry. Even in the reply, it is not claimed that after the present petitioner failed to respond to the said show cause notice, any ex-parte regular inquiry was held, after appointing the Enquiry Officer and the petitioner was held guilty by the Enquiry Officer.

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In these circumstances, it is clear that while passing the impugned order, terminating the services of the petitioner, no regular inquiry was held. Therefore, the order is bad in the eyes of law and has to be quashed. Accordingly, the impugned order dated 21.10.2013 (Annexure-P-9) is hereby quashed with liberty to the department to hold a regular inquiry on the charges levelled against the petitioner in the chargesheet and pass speaking orders in accordance with law.

The present writ petition is allowed.

(KULDIP SINGH)
JUDGE

18.10.2016

sjks

Whether speaking / reasoned : Yes

Whether Reportable : No