

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1243 of 2015 (O&M)

Date of Decision: 06.10.2016

State of Haryana & Ors.

... Appellants

VS.

Lal Chand (through LRs)

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes / No |
| 2. Whether reportable? | Yes / No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. Ravi Dutt Sharma, DAG Haryana

Mr. Dishant D Tuteja, Advocate for respondent No.1(i)

Mr. Aman Dhir, Advocate for respondent No.1(ii)&(iii)

SURYA KANT, J. (Oral)

(1) State of Haryana has preferred this Letters Patent Appeal against the order dated 04.03.2015 whereby learned Single Judge set aside the punishment of dismissal and has substituted it with that of compulsory retirement. A further direction to grant pension and other retiral benefits along with interest has also been issued. The plea taken is that learned Single Judge has ordered the compulsory retirement of the respondent, namely, Lal Chand (since deceased) w.e.f. 15.05.1987 and going by that date, the respondent did not qualify for pension for want of requisite length of service.

(2) Learned counsel for the contesting respondent is also equally aggrieved by the order of learned Single Judge, as according to them, punishment was liable to be substituted from the date when removal order

was passed, and that this was a case where learned Single Judge ought to have gone into merits of the enquiry proceedings.

(3) Since both the parties are dissatisfied with the order under appeal, we allow this appeal; set aside the order dated 04.03.2015 and remit the case to learned Single Judge for afresh adjudication.

(4) The parties shall be at liberty to raise their respective contentions before learned Single Judge before whom the parties are directed to appear on 01.12.2016.

(5) Disposed of.

(Surya Kant)
Judge

06.10.2016
vishal shonkar

(Sudip Ahluwalia)
Judge