

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1012 of 2016 (O&M)

Date of Decision: July 08, 2016

Gurinder Pal Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE DARSHAN SINGH.**

Present: Mr.Vishal Gupta, Advocate, for the appellant.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.J.S.Puri, Advocate, for respondent No.2.
Mr.G.S.Bal, Senior Advocate with
Mr.ADS Bal, Advocate, for respondent No.3.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1; Mr.J.S.Puri, Advocate accepts notice on behalf of respondent No.2 and Mr.ADS Bal, Advocate accepts notice on behalf of respondent No.3.

Let one copy of the paper book be handed over to each learned counsel for the respondents during the course of day.

The instant letters patent appeal assails the order dated 13.05.2016 whereby learned Single Judge has dismissed the appellant's writ petition with costs of Rs.1 lakh to be deposited with the Mediation and Conciliation Centre of the High Court.

Learned Single Judge has viewed that writ petition against the suspension order was pre-mature as the appellant had been meanwhile served with the charge-sheet and he ought to have replied it and take all the pleas in the domestic enquiry.

The appellant who was a Chief Engineer in the respondent-Board was further promoted as Secretary of the Board. The Chairperson of the Board, namely, respondent No.3 is said to have initiated preliminary enquiry against him in respect of construction of Art and Craft rooms in the Schools for which an amount of Rs.22.70 crores was spent. There are alleged irregularities committed by the appellant in the construction of those rooms on the basis of which he and some other officers have been charge-sheeted. As the appellant was placed under suspension, he challenged that action in the instant writ petition.

We have heard learned counsel for the parties and gone through the record.

Learned Single Judge has rightly observed that the appellant has got an effective remedy to submit reply to the charge-sheet and take all the pleas therein. Needless to say that his apprehension regarding bias or prejudice can be effectively looked into by an appropriate forum at the relevant stage. In this view of the matter, no interference in the order passed by learned Single Judge is called for. However, imposition of costs of Rs.1 lakh on the appellant appears to be too punitive and may not be warranted in

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the facts and circumstances of the case. We thus modify the order under appeal to the extent of imposition of costs of Rs.1 lakh on the appellant. Rest of the order is upheld. The appeal stands disposed of in the above terms.

(SURYA KANT)
JUDGE

July 08, 2016
mohinder

(DARSHAN SINGH)
JUDGE