

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 1355 of 2016

Date of Decision: 10.11.2016

Dashmesh Girls Senior Secondary Public School, Badal and Another

... Appellant(s)

Versus

Smt. Surinder Kaur and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Harkesh Manuja, Advocate
for the appellant(s).

Mr. Sanjay Majithia, Senior Advocate
with Mr. Inderjeet Singh, Advocate
for respondent No.1.

Mahesh Grover, J.

Learned Single Judge, while disposing of the writ petition,
observed as under:-

“However, no documentary or oral evidence has been taken into consideration that insubordination charge has been proved. Charge of insubordination is by the Principal and who has been examined or cross-examined, even though she is cited witness.”

Learned counsel for the appellants has referred to the material on record, particularly page 60, where in the inquiry proceedings, the Principal appeared and was cross-examined by respondent No.1 as well.

controverted by learned counsel for respondent No.1.

In view of above, we are of the opinion that learned Single Judge proceeded on wrong assumption of facts. We would, thus, set aside the impugned judgment and remit the matter back to the learned Single Judge to decide it afresh after taking into consideration the impact of the aforesaid fact of the Principal having been examined as a witness before the Inquiry Officer as also before the Labour Court.

The instant writ petition stands disposed of.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

November 10, 2016

“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No