

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.980 of 2016

Date of Decision : 14.07.2016

Jeeley Singh Dalal

....Appellant

Versus

Punjab and Haryana High Court and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

1. Whether Reporters of Local Newspapers 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?

...

Present: Mr.Kul Bhushan Sharma, Advocate
for the appellant.

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MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 11.05.2016.

The solitary issue that has been raised before us is that order adverse to the appellant was passed on the basis of adverse remarks which were not communicated to him. The service appeal of the appellant was decided on 27.01.2016 after report from the District Judge concerned was received. It has been specifically mentioned in the report that adverse remarks were

communicated to the Presiding Officer by whom they were communicated to the appellant as well.

Learned counsel for the appellant contends that these remarks were never conveyed to him, whereas the report of the District Judge would be totally to the contrary. In any case, d'hors all other aspects this is a disputed question of fact and therefore in writ jurisdiction the court could not have effectively ascertained this fact at all. In appeal too we would face similar constraints and thus we dismiss the appeal with liberty to appellant to take recourse to his civil remedies and establish this fact on the basis of adequate evidence.

Appeal stands disposed of.

(MAHESH GROVER)
JUDGE

14.07.2016
dss

(SHEKHER DHAWAN)
JUDGE