

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

Date of decision: 22.02.2017

RSA No.2737 of 1994

State of Punjab & others

...Appellants

Vs.

Jagdish Parshad

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manjit Singh Naryal, Addl. AG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

State is in second appeal in a bad case which ought not to have been filed. The appointing authority of the plaintiff was the Chief Electoral Officer and not the Deputy Commissioner, Hoshiarpur, but the latter passed the order of punishment. Not only the Deputy Commissioner, Hoshiarpur suspended the plaintiff, but he did so without any approval of the appointing authority. Therefore, the penalty proceedings leading to suspension and punishment have been nullified by both the Courts below and rightly so for want of jurisdiction. It is well settled that if an order is passed by an authority which inherently lacks jurisdiction, the order is void ab initio and will not be binding on the rights of the plaintiff. It has to be ignored. There is no error in the reasoning of the Courts below which may warrant interference or give rise to any substantial question of law for consideration of this Court on the second appeal side.

Consequently, the instant appeal filed by the State of Punjab is dismissed as devoid of merit.

22.02.2017
Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No