

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

CWP No.12050 of 2014

Date of Decision:04.05.2017

Ramnik Passi

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Akshay Bhan, Sr. Advocate with
Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

Mr. J.S. Bedi, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has questioned the validity of order dated 11.06.2014 (Annexure P-5) by which the petitioner has been dismissed from service while invoking Rules 7 (2) (b) of the Haryana Civil Services (Punishment and Appeal) Rules 1987.

Undisputedly, the petitioner has remedy of appeal before the Appellate Authority under Rule 14 of the Haryana Municipal Corporation Employees (Recruitment and Conditions) Service Rules 1998 read with appendix 'D' and provisions of Haryana Civil Services (Punishment and Appeal) Rules 1987. The petitioner is an Assistant Engineer (Civil). He had remedy of appeal against the order of disciplinary authority under the aforesaid provisions. Despite these factual aspects in the petition, the petitioner in para-14 stated that petitioner has no other equally efficacious remedy of appeal or revision except to file the writ petition under Article 226 of the Constitution. In other words, the petitioner has suppressed the provision of appeal remedy. That apart during pendency of this petition, he

has preferred an appeal before the appellate authority which is pending consideration vide Annexure R-1 dated 18.7.2014. Unless and until the respondents have brought to the notice of this Court that the petitioner has filed appeal, the petitioner has not stated that he has exhausted the remedy of appeal even on this issue petitioner has suppressed.

Having regard to these facts and circumstances, petition stands dismissed. Dismissal of this petition would not come in the way of deciding appeal by the appellate authority. Appellate authority is hereby directed to decide the petitioner's appeal within a period of three months from the date of receipt of this order.

04.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**