

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

CWP No.16351 of 2013 (O&M)

Date of Decision : 13th February, 2017

Jagdish Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sat Narain Yadav, Advocate
for the petitioner.

Ms. Shruti Jain, Goyal, AAG, Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

The petitioner has preferred this petition for quashing of impugned order dated 20.07.2011 vide which he has been dismissed from service which dispensing with the departmental enquiry under Article 311 (2) (b) of the Constitution of India, inspite of the fact that he was acquitted in criminal case and without considering his 31 years length of service.

Learned counsel for the petitioner states in view of the wording of the dismissal order, he did not file any appeal. Now in view of the written statement, it transpires that an appeal was maintainable and in these circumstances, he would not press this petition on merit but prays that one opportunity be granted to the petitioner to file an appeal and respondent No.3-Appellant Authority be directed to decide the same on merits without taking the objection of limitation.

Learned State counsel has fairly stated that wording of the

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impugned order could give rise to the reasonable conclusion that no appeal was maintainable whereas an appeal was maintainable. In these circumstances, she would not press this limited prayer of the petitioner.

In view of above, the instant petition stands disposed of with the observations that in case the petitioner files an appeal to respondent No.3-Appellate Authority within one months from the date of receipt of certified copy of this order, the same shall be decided by passing a speaking order.

13th February, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No