

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

Date of decision: 24.03.2017

1. CWP No. 19854 of 2016

Harinder

...Petitioner

Versus

State of Punjab and others

...Respondents

2. CWP No. 19998 of 2016

Gurjinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.J.S. Bhatti, Advocate,
for the petitioner(s).

Mr. T.N. Sarup, Addl. A.G., Punjab.

Mr. K.S. Sidhu, Sr. Advocate, with
Mr. M.S. Brar, Advocate,
for Punjab Mandi Board- respondent Nos. 2, 3 and 4.

Mr. A.S. Sandhu, Advocate,
for respondent No.5.

JAISHREE THAKUR, J. (ORAL)

By this order I propose to dispose of above referred two writ petitions as the facts and issue involved in the same are identical. For brevity facts are being taken on CWP No. 19854 of 2016.

The instant writ petition has been filed seeking to challenge the order of removal dated 26.08.2016 (Annexure P-7) by which the services of the petitioners were terminated. It is alleged that the impugned show cause

notice has been passed without following the rules of natural justice or by supplying the inquiry report which is violative of Article 21 of the Constitution of India.

Mr. J.S. Bhatti, learned counsel appearing on behalf of the petitioner(s) informs the Court that the petitioner, namely, Gurjinder Kaur, who is aggrieved by the order of termination, belongs to the Scheduled Caste had approached to the National Commission for Scheduled Caste at Chandigarh under the Scheduled Caste and Scheduled Tribes Act and the Commission after looking into the matter had disposed of the same with a recommendation that the Punjab Mandi Board to reconsider the matter for review of such a punishment awarded.

Mr. K.S. Sidhu, learned senior counsel appearing on behalf of the Punjab Mandi Board submits at the very outset that these writ petitions are not maintainable on account of statutory remedy available to the petitioners which has not been availed of. In view of this, he prays for the dismissal of the writ petitions.

I have heard learned counsel for the parties and in view of the fact that the National Commission for Scheduled Caste at Chandigarh had already issued a recommendation for reconsideration of the matter, let this writ petition be treated as an appeal to be disposed of in accordance with law by the Appellate Authority.

Mr. J.S. Bhatti, learned counsel appearing on behalf of the petitioner urges that the issue of limitation should not be invoked in this matter to defeat the rights of the petitioners.

Since the petitioners had approached this Court by way of a

writ petition and also have an order by the National Commission for Scheduled Caste at Chandigarh that the matter should be reviewed. Mr. K.S. Sidhu, learned senior counsel for the respondents-Mandi Board very fairly submits that the plea of limitation will not be raised while disposing of the appeal by the Appellate Authority.

In view of the above, let both the writ petitions be placed before the Appellate Authority to be decided in accordance with law expeditiously, preferably, within a period of six months on receipt of certified copy of this order. Writ petitions have been disposed of accordingly. Let the parties appear before the Appellate Authority on 06.04.2017.

A photocopy of this order be placed on the file of connected matter.

24.03.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.