

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

CWP No.21687 of 2016(O&M)

Date of Decision: May 04, 2017

Rubbal Khippal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M.S. Bedi, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG Punjab.

Mr. P.S. Thiara, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking to challenge the termination order dated 05.10.2016 (Annexure P-6).

It is argued that the dismissal order is in complete violation of the Punjab State Agricultural Marketing Services (Punishment and Appeal) Rules, 1988, insofar as no copy of enquiry report was supplied nor any show cause notice was issued to the petitioner, which is mandatory under the Services Rules.

Mr. P.S. Thiara, learned counsel appearing on behalf of respondents No.2 and 3, at the very outset submits that the writ petition

would not be maintainable, on account of the statutory remedy available to the petitioner, which has not been availed of before approaching this writ court. In view of the remedy available, he prays for dismissal of the writ petition.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has a remedy of appeal, this writ petition is being disposed of by directing the petitioner herein to avail the remedy, as available to him.

At this stage, learned counsel appearing on behalf of the petitioner contends that the issue of limitation should not be raised against the petitioner, to defeat his right.

Since the petitioner had approached this court, by way of the instant writ petition and in view of the fact that Mr. P.S. Thiara, learned counsel appearing on behalf of respondents No.2 and 3 very fairly submits that plea of limitation would not be raised, while disposing of the appeal, this writ petition is being disposed of to be placed before the Appellate Authority, to be decided in accordance with law, preferably within a period of six months, from the date of receipt of receipt of certified copy of this order. Let the parties appear before the Appellate Authority on 22.05.2017.

The writ petition stands disposed of in the aforesaid terms.

May 04, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No