

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.21793 of 2017(O&M)

Date of Decision: 25.09.2017

Buta Singh

--Petitioner

Versus

State of Punjab and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Raj Kaushik, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Placed on record and appended as Annexure P-1 along with the instant petition is an order dated 25.8.2015, passed by the Director, State Transport, Punjab and in terms of which major penalty of stoppage of two annual grade increments with cumulative effect has been imposed upon the petitioner, who was serving as Conductor with the Punjab Roadways, Tarn Taran.

The short prayer made in the instant petition is for directing respondent no.1 i.e. the Principal Secretary to Govt. of Punjab, Department of Transport to take a final decision on an appeal that had been preferred by the petitioner against the order of major penalty.

Notice of motion.

On the asking of the Court, Mr. Avinit Avasthi, learned A.A.G., Punjab accepts notice on behalf of respondents no.1 & 2. A complete copy of the petition has been furnished to learned State counsel in Court today.

In view of the order that is proposed to be passed, there would be no requirement for calling for a written response to the writ petition.

There would be no dispute that against an order of major penalty, an employee has a statutory remedy of filing an appeal under the Punjab Civil Service (Punishment & Appeal) Rules, 1971. Such statutory remedy is a substantive remedy available to an employee and against an order passed by the punishing authority and which as per employee is not in accordance with law or suffers from any patent irregularity/illegality. The appellate authority is obligated to consider the grounds furnished in the appeal and to thereafter pass a reasoned order accepting or rejecting an appeal.

It is the contention raised by counsel for the petitioner that an appeal dated 15.9.2015 (Annexure P-2) was preferred before respondent no.1 but the same has not been dealt with till date and no final order has been passed.

If that be so, the instant petition is disposed of with a direction to respondent no.1 to consider the appeal preferred by the petitioner dated 12.9.2015 (Annexure P-2) and to pass a final order thereupon in accordance with law within a period of three months from today. It would be open for the petitioner to supplement the appeal dated 12.9.2015 (Annexure P-2) and if any such document is submitted by the petitioner within a period of two weeks from today, the same would also be considered by respondent no.1 while passing the final order.

It is clarified that while issuing directions for the appellate authority to take a final decision, this Court has not opined on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.09.2017

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No