

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.25323 of 2017(O&M)
Date of Decision: 21.11.2017

Sapna

--Petitioner

Versus

Indian Institute of Technology, Ropar

--Respondent

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

Present:- Mr. Pushkar Khatana, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who was serving as Junior Assistant in the Academics Department of the Indian Institute of Technology, Ropar, was imposed the penalty of “**removal from service which shall not be a disqualification for future employment under the Govt.**” vide order dated 20.11.2015 (Annexure P-25).

Challenge in the instant petition is to the afore-noticed order.

Perusal of the impugned order reveals that the penalty has been imposed by the disciplinary authority while exercising powers under Rule 12 of the C.C.S (C.C.A) Rules, 1965.

Under Rule 12 of the statutory rules the disciplinary authority has the power to impose any of the penalties specified in Rule 11 of the rules.

Rule 11 defines minor and major penalties. Rule 11 (vii) defines removal from service which shall not be a disqualification for future employment under the Govt. to be a major penalty.

Rule 23 provides for the remedy of appeal against certain orders. Under Rule 23 (ii) an appeal is provided against an order imposing

any of the penalties specified in Rule 11.

The scheme of the rule noticed herein above clearly shows that the petitioner is vested with a statutory remedy against the penalty imposed vide impugned order dated 20.11.2015 (Annexure P-25).

No submissions/grounds have been raised on behalf of the petitioner so as to justify the petitioner not availing of the statutory remedy available.

Under such circumstances, this Court declines to examine the validity of the impugned order dated 20.11.2015 (Annexure P-25) on merits with liberty to the petitioner to avail of the alternate statutory remedy which is available under the rules and which is a substantive remedy.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.11.2017

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