

Sr. No.110

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

CWP No.28596 of 2017 (O&M)

Date of Decision:15.12.2017

Amrik Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present:- Ms. Ekta Sharma, Advocate for
Mr. D.R.Sharma, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who was serving as Senior Assistant in the Public Works Department (Irrigation Branch), State of Punjab was imposed the major penalty of dismissal vide order dated 25.02.2011 (Annexure P-1) passed by Chief Engineer (Lining) Irrigation Department, State of Punjab.

Such order of dismissal was towards culmination of regular departmental proceedings initiated against the petitioner under the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

Petitioner earlier approached this Court by filing CWP No.4552 of 2011 assailing the order of dismissal dated 25.02.2011.

Vide order dated 17.05.2016 (Annexure P-2), petitioner was

relegated to avail his statutory remedy of appeal. This Court further directed that if appeal is filed within a period of 04 weeks from the date of receipt of certified copy of the order, the appellate authority would be obligated to consider the same on merits and to take a final decision.

Concededly, an appeal dated 16.06.2016 has been preferred by the petitioner.

Instant petition has been filed raising a short grievance that till date no final order has been passed on the appeal dated 16.06.2016.

Counsel for the petitioner has been heard at length.

The appeal dated 16.06.2016 preferred by the petitioner was against an order of dismissal and would be seen as a substantive remedy available to the petitioner under the Punishment and Appeal Rules. Even though the appeal was against an order of dismissal relating back to the year 2011, but this Court has already intervened in the matter and while disposing of CWP No.4552 of 2011 had directed vide order dated 17.05.2016 for the appellate authority to take a decision thereupon on merits.

In the light of limited prayer raised, I deem it appropriate to dispose of the writ petition at the very threshold with a direction to the appellate authority i.e. Secretary, Department of Irrigation, State of Punjab-respondent No.1 to take a final decision on the appeal dated 16.06.2016 within a period of two months from today and convey the same to the petitioner.

Disposed of.

15.12.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No