

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

**CWP No. 3858 of 2017
Date of Decision: 28.02.2017**

Sandeep Kumar

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harbans Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing the order of termination dated 30.07.2008 with a further prayer that the petitioner should be reinstated into service with all consequential benefits.

It is contended that the petitioner came to be employed on the post of Computer Faculty under Information Technology Project and he joined at Govt. High School, Kussu Wala, District Ferozepur. On 30.08.2007, he was sent on election duty. During the election duty of the petitioner, there was an inspection at the School on 24.04.2008, wherein, it was noted that he was absent, on the basis of which, he was issued show cause notice on 30.05.2008. The petitioner replied to the said show cause notice, vide Annexure P-8. However, by the impugned order dated 30.07.2008, his services were terminated.

Counsel for the petitioner submits that termination order has been issued on two counts; firstly, that the petitioner had not replied to the show

cause notice and secondly, it has not been noticed that he was on election duty duly sent by the School itself and for which period he had been paid. After several rounds of communications, addressed to the Department, information has now been obtained from the office of the Deputy Commissioner which in turn carries an order from the office of the Electoral Returning Officer-cum-SDM, Ferozepur which would reflect that the petitioner had been put on duty by orders of the Electoral Returning Officer-cum-SDM, 095 Assembly Constituency, Ferozepur. It is argued that once this information is made available with the respondents, the appeal preferred to the Secretary, Deptt. of Education, Govt. of Punjab should be considered and decided by taking into account this additional information in hand.

In view of the limited prayer made, without commenting on the merits of the case, this writ petition is being disposed of by giving a direction to respondent No. 1 to consider the case of the petitioner in light of the information that has now been supplied by the Electoral office within a period of two months from the date of receipt of a certified copy of this order by passing a speaking order.

February 28, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No