

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5870 of 2017

Date of Decision:-22.03.2017.

Tejbir Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

Notice of motion.

Mr. Hitesh Pandit, Additional A.G. Haryana accepts notice on behalf of the respondents. Learned counsel for the petitioner is directed to furnish three sets of the writ petition to learned State counsel during the course of day.

In the instant writ petition, petitioner has sought for a direction to the second respondent to decide his statutory second appeal within time bound period. The petitioner while working as a Sanskrit Teacher, he was subjected to disciplinary proceedings on various allegations. In the inquiry, it is learnt that the charges levelled against the petitioner were proved. Consequently, the disciplinary authority has imposed penalty of dismissal from service on 07.12.2015. Feeling aggrieved by the order of disciplinary

authority, petitioner has filed statutory appeal before the Director, Elementary Education, Haryana. Petitioner's appeal was dismissed on 27.9.2016. Thus, he had preferred second appeal before the Government on 10.10.2016 under Rule 14 of the Haryana State Education Cadre (Group-C) Service Rules, 1998 read with the Appendix-C. Since the second appeal is pending consideration before the Government and no orders were passed. Hence, the present petition.

Short question for consideration in the present petition is whether the petitioner is entitled for directions to the first respondent-Government for deciding the statutory appeal or not. Admittedly, the petitioner has presented second appeal in a disciplinary proceedings matter on 10.10.2016. The same is yet to be decided by the first respondent. The petitioner has statutory right to file a second appeal before the Government. Therefore, the first respondent-Government is directed to consider and decide the second appeal of the petitioner in accordance with law within a period of four months from today.

Accordingly, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

March 22, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.