

LPA no. 25 of 2017 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA no. 25 of 2017 (O&M)
Date of Decision : 08.03.2017

Sarva Haryana Gramin Bank

....Appellant(s)

Versus

Sh. Pardeep Aggarwal and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN

Present : Mr.Ankit Kaushal, Advocate for
Mr.Bhushan Bhatia, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 24.10.2016 vide which the writ petition preferred by the respondent – employee was accepted and the inquiry held against him on certain charges of mis-appropriation etc was held to be bad but liberty was granted to the appellant to proceed and conclude the inquiry afresh within a period of 3 months.

Learned counsel for the appellant places reliance on case titled as **S.C.Girotra vs. United Commercial Bank (UCO Bank)** reported as 1995 Supp (3) SCC 212 to contend that learned Single Judge went wrong in ignoring the fact of the inquiry being fair and all the witnesses pointedly testifying against the employee.

After hearing learned counsel for the appellant, we are of the

opinion that the present appeal is frivolous. Learned Single Judge has

pointed out several gaping holes in the process and the inquiry report leading to the conclusion against the employee which learned counsel for the appellant has been unable to offset by pointing out to any substantive material on record. De hors this the fact remains that the matter has been left open and the appellants would be at liberty to establish the mis-conduct of the employee in terms of the liberty granted.

Similarly the contention of the learned counsel for the appellant that the direction given by the learned Single Judge in the concluding paragraph regarding the admissibility of subsistence allowance to the employee during the intervening period from the date of dismissal till the concluding of the disciplinary proceedings also does not warrant any interference for the reason of the order impugned in writ proceedings having been set aside would entitle the employee to these benefits.

The prejudice and the grievance as perceived by the appellant can at best be termed to be mis-placed.

In view of the above, we do not find any reason to interfere with the impugned judgment and decline interference. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

08.03.2017
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(Shekher Dhawan)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No