

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

CWP No.17811 of 2013 (O&M)

Date of decision: 15.11.2018

Pawan Kumar

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Arora, Advocate for the petitioner(s)

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent Nos.2 & 3.

Respondent Nos.4 & 5 proceeded against ex parte
vide order dated 03.07.2018.

Jitendra Chauhan, J. (Oral)

CM-17048-CWP-2018

Allowed as prayed for, subject to all just exceptions.

Main Case

By way of the present petition, the petitioner seeks quashing of order dated 08.08.2013 (Annexure P-10), whereby the services of the petitioner has been terminated from the post of Education Provider.

The petitioner was appointed on the post of Education Provider under Sarv Shiksha Abhiyan Authority, Punjab on 01.12.2008. The services of the petitioner were terminated vide

impugned order dated 08.08.2013.

It is asserted that the services of the petitioner were terminated on the ground that the petitioner had been working as panch, whereas the petitioner resigned from the post of panch on 01.12.2008, the date when he was appointed on the post in question. Therefore, learned counsel contends that the impugned order dated 08.08.2013 is arbitrary in nature.

Learned State counsel submits that the controversy involved in the present petition relates to respondent No.2, therefore, the State is only a proforma respondent.

Learned counsel for respondent Nos.2 & 3 submits that the argument of learned counsel for the petitioner that he resigned from the post of Panch when he joined the post in question is of no consequence as the petitioner was holding the said post till full tenure in view of Section 18 of the Punjab Panchayati Raj Act and he was required to address his resignation to the Deputy Director concerned. The Sarpanch of the village has no authority to accept the resignation.

Heard.

In the instant case, the services of the petitioner were terminated on the sole ground that the petitioner while working on the post of Education Provider was also holding the post of Panch. Admittedly, the petitioner before his selection on the post in question had submitted resignation which was accepted by the Sarpanch on

01.12.2008. Learned counsel for respondent Nos.2 & 3 also admits that there was no complaint or deficiency with regard to work and conduct of the petitioner. Moreover, the appointing and punishing authority of the petitioner was District Education Officer, whereas, the impugned order dated 08.08.2013 was passed by the Appellate Authority i.e. Principal Secretary-cum-Director State Project whereby the vested right of filing an appeal has been denied to the petitioner.

Keeping in view the above, the present petition is allowed. Consequently, the impugned order dated 08.08.2013 (Annexure P-10) is set aside. The respondents are directed to pass on the consequential relief in favour of the petitioner within a period of three months from the date of receipt of a certified copy of this order.

15.11.2018

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(JITENDRA CHAUHAN)
JUDGE

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