

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-32319-2018 (O&M)
Date of Decision:-18.12.2018.

Balwant Rai

.....Petitioner

Versus

Punjab National Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajesh Punj, Advocate for the petitioner.

ARUN MONGA, J. (Oral)

1.) Present petition has been filed for issuance of a writ in the nature of *certiorari* for quashing the inquiry report dated 29.05.2013 (Annexure P-4) which led to the dismissal of the petitioner from service of respondent No.1-Punjab National Bank vide order dated 26.11.2013 (Annexure P-6).

2.) The petitioner was working as Steno-Typist at the relevant time. Learned counsel representing the petitioner states that the said order of dismissal dated 26.11.2013 (Annexure P-6) has been appealed against vide an appeal dated 03.01.2014 (Annexure P-9). The said appeal has till date not been disposed of by the respondents. He states that the petitioner continues to be out of employment.

3.) Learned counsel for the petitioner further states that the petitioner also caused issuance of a legal notice dated 12.10.2018 (Annexure P-13) whereby petitioner called upon the respondents to withdraw the order of punishment dated 26.11.2013 (Annexure P-6) owing to the inordinate delay in deciding the appeal. Learned counsel for the petitioner contends that the even though before issuance of legal notice, the petitioner has been representing to the respondents from time to

followed by yet another representation dated 17.07.2018 but to no avail.

4.) On a query posed by the Court, learned counsel for the petitioner informs that appeal of the petitioner was/has been kept pending owing to registration of an FIR against the petitioner even though the respondents have not conveyed anything in writing qua the same. He further contends that even the pendency of the said FIR does not survive in view of the fact that that in the criminal proceedings initiated pursuant to the FIR, the petitioner was acquitted on 12.12.2017 by the Court of learned JMIC, Ludhiana. Learned counsel for the petitioner contends that the Appellate Authority who is to decide the appeal of the petitioner is Deputy General Manager/Circle Head of the Bank i.e. respondent No.4 herein.

5.) Keeping in view the contentions of the learned counsel for the petitioner and the averments in the writ petition, this petition can be disposed of without issuance of notice and any further proceedings or pleadings. Accordingly, respondent No.4 is directed to decide the appeal dated 03.01.2014 (Annexure P-9) of the petitioner which has been pending for almost 5 years within a period of 3 months from the date of receipt of certified copy of this order.

6.) Petition stands disposed of.

(ARUN MONGA)
JUDGE

December 18, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.