

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12179 of 2005
Date of Decision: 14.01.2019

N.K. Nahar

... Petitioner

Versus

Punjab National Bank and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. N.C. Saini, Advocate
for respondent No.1.

ARUN MONGA, J. (ORAL)

The present petition has been filed for issuance of a writ in the nature of *certiorari, inter alia*, seeking to quash the appellate order dated 26.06.2004 (Annexure P-5) vide which disciplinary authority's order dated 30.10.2003 (Annexure P-3) has been upheld inasmuch as the petitioner was inflicted with punishment of reduction in basic pay, for one year, by three stages in the time scale of pay in which he was placed.

2. The lead argument of the learned counsel for the petitioner is that the impugned order passed by the Appellate Authority reflects that the same has been passed without due application of mind on grant of proper hearing to the petitioner. The Appellate order proceeds on the premise that no prejudice has been caused to the petitioner by non-producing the witnesses in course of inquiry, which led to the enquiry report and based thereon the disciplinary

authority's order was passed. The Appellate Authority, therefore, did not find any merit in the points raised in the appeal filed by the petitioner before him.

3. Per contra, Mr. N.C. Saini, learned counsel for the respondent-Bank states that the petitioner has since retired during pendency of the writ petition but regardless, he has instructions to state that petitioner would be granted an opportunity of personal hearing and fresh orders will be passed by the Appellate Authority thereafter.

4. In view of the above, the impugned order dated 26.06.2004 passed by the Appellate Authority is set aside with liberty to pass fresh orders after affording an opportunity of personal hearing to the petitioner.

5. Disposed of accordingly with no order as to costs.

14.01.2019

rekha sharma

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*