

CWP No.1227 of 2016 (O&M)
Date of Decision: 25.11.2019

Nirmal Singh

... Petitioner

Versus

Shiromani Gurudwara Prabhandhak Committee (SGPC), Amritsar.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Raman Dhir, Advocate for
Mr.Daman Dhir, Advocate
for the petitioner.

Mr.S.S.Mattewal, Advocate,
for respondents No.1 and 2.

ARUN MONGA, J.(ORAL)

Petitioner herein seeks issuance of a writ in the nature of certiorari for quashing of impugned order dated 11.08.2015 (Annexure P-13) whereby his appeal has been rejected including the recommendation of the enquiry committee, order dated 21.07.2009 Annexure P-8 (colly.) and order dated 22.07.2009 contained at Annexure P-9 vide which petitioner had been dismissed from service by respondent No.1.

2. Having heard the rival contentions and after going through the pleadings alongwith the record appended thereto and in view of the fact that the case of the petitioner is squarely covered by CWP No.9989 of 2015, I am of the opinion that the writ petition deserves to be allowed in terms thereof.

3. That apart the entire justification pleaded in the return filed by the respondent-Shiromani Gurdwara Prabandhak Committee (SGPC) is based on alleged confession of the petitioner vide Annexure R-1, wherein he is purported to have expressed his satisfaction on whatever decision would be taken by the Sub-Committee and the same would be acceptable to the petitioner.

4. It is pleaded that since petitioner had admitted the guilt, so neither any inquiry was required nor even otherwise the compliance of the Rules and Regulation read with the Service Protection envisaged under Shiromani Gurdwara Prabandhak Committee, 1925, needed to be complied with. The case of the petitioner, thus, being open and shut one, he has been rightly dismissed from service. However, perusal of the record reflects otherwise. The petitioner has throughout been objecting to the said confessional statement on the ground that the same was forcibly obtained from him and was against his wishes. Reference may be had to paragraph 2 of the appeal Annexure P-11 preferred by the petitioner. The said assertion of the petitioner has been given a complete go by which action is not sustainable in the eyes of law.

5. As an upshot of aforesaid discussion, petition is allowed and impugned orders are set aside. It transpires that during the pendency of the writ petition the petitioner has already attained the age of superannuation, therefore, he cannot be reinstated. However, given that the petitioner has rendered 25 years of service before he was dismissed, respondent-SGPC is directed to accord the retiral benefits which would have accrued to the petitioner had he not been dismissed from service. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

Disposed of in the aforesaid terms.

25.11.2019

dharamvir

(ARUN MONGA)
JUDGE

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