

**Sr. No.213**

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

**CWP No.22276 of 2016 (O&M)**

**Date of Decision: 05.11.2019**

Jagpal Singh

... Petitioner

Versus

Local Gurdwara Parbandhak Committee and another

... Respondents

**CORAM:- HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Ms. Vanita Sapra Kataria, Advocate,  
for the petitioner.

Mr. H.S.Dhandi, Advocate,  
for the respondents.

**ARUN MONGA, J.(ORAL)**

1. Petitioner herein seeks issuance of a writ in the nature of certiorari to quash an order dated 29.02.2016 (Annexure P-10) vide which he was dismissed from service.

2. The pointed stand taken by the petitioner in the writ petition is that apart from violation of principles of natural justice, there has been a complete violation of the statutory service protection envisaged for an employee as per applicable Service Rules read with Sikh Gurudwara Act, 1925.

3. Adumbrating now to the succinct factual narrative of the case. The petitioner was appointed on daily wage basis as a Granthi on 26.07.2003 in Gurudwara Sri Bauli Sahib. It is stated that said Gurudwara is notified under Section 87 of Sikh

Gurudwara Act, 1925 and is managed by duly elected Local Committee. Vide Resolution No.36 dated 04.09.2005, the petitioner was granted the grade of the post followed by confirmation in service with a hike of Rs.200/- on 05.04.2006. The trouble started here onwards when the petitioner was confronted with the allegations that while performing duties on cash counter, Rs.153/- were found short from the collection. He was awarded punishment of fine of Rs.250/- and was demoted from Granthi to Sewadar. Subsequently, the petitioner was also suspended vide order dated 20.08.2015 on an independent allegation that his behaviour with devotees was not cordial and treated them with disrespect and was thus, performing his duties negligently.

4. In background of these allegations, a charge-sheet dated 30.12.2015 was issued to the petitioner. The petitioner filed his reply dated 13.01.2016 to the charge-sheet denying the charges as false and fabricated. The matter rested there.

5. Neither the petitioner was conveyed any response to his reply nor even otherwise any formal order of punishment was conveyed rejecting his contention/objections contained in his reply to the charge-sheet. Later, some time on or around 17.03.2016, he was verbally directed to vacate the office room declaring that he has been dismissed from service. The petitioner demanded the dismissal order but was not provided the same. Resultantly, he caused a legal notice through his counsel seeking to supply the dismissal order so that he can seek mitigation of his grievance in accordance with law.

6. Finally, petitioner received a letter dated 16.05.2016 asking him to visit the office of Gurudwara to collect his dismissal order, which the petitioner discovered to be as dated 29.02.2016. Since the petitioner had not been provided with the copy of the report of Sub Committee which was constituted to hold departmental inquiry/proceedings forming the basis of dismissal of the petitioner, he kept pursuing the respondents to provide him the same and eventually caused another legal notice dated 13.05.2016 seeking supply of the same. But to no avail. Yet another legal notice dated 31.08.2016 was issued by the counsel of the petitioner, which too was never adverted by the respondents. Hence, the writ petition.

7. Reference may be had in particular to para 12, wherein the petitioner has stated that a Sub Committee was constituted by respondent No.1 to hold an inquiry into the charges levelled against him as per charge-sheet dated 30.12.2015 (Annexure P-6). It is stated that neither a Sub Committee ever called the petitioner to join the inquiry proceedings nor even otherwise the witnesses were examined by the Inquiry Officer/Sub Committee in presence of the petitioner. Resultantly, the petitioner was never accorded an opportunity to cross-examine the witnesses before the Inquiry Officer/Sub Committee.

8. Learned counsel for the petitioner argues that petition be allowed as the inquiry report was not supplied to the petitioner and yet the petitioner's services were terminated ostensibly on the ground that he has been indicted in the inquiry proceedings.

9. Learned counsel for the petitioner submits that even the termination order passed pursuant to the inquiry proceedings was also not conveyed to the petitioner and he was summarily removed from service on verbal orders. On that short ground alone petition be allowed, she contends.

10. The petitioner also caused repeated legal notices through his counsel which are at Annexures P-8, P-11 and P-12 respectively. But as stated the same were not adverted by the respondents.

11. In the return filed on behalf of the respondents, the aforesaid stand of the petitioner has though been denied, but only for the sake of it and as bald as it can be. A perusal of the corresponding para of the return would reflect that only thing that weighed on the mind of the respondents was that the reply of the petitioner to the charge-sheet did not find favour with them.

12. Though it is admitted that a Sub Committee was constituted to hold an inquiry into the allegations against the petitioner and the so called inquiry was indeed conducted but there is a stoic silence with regard to the petitioner having been issued any notice by the Sub Committee/ inquiry committee to join the proceedings. There is no explanation let alone plausible one as to why the petitioner was not granted an opportunity to cross-examine the witnesses, whose statements formed the basis of the inquiry report indicting the petitioner.

13. In the aforesaid premise, the entire inquiry proceedings seem to be a complete moonshine having been

conducted at the back of the petitioner and the same, therefore, do not stand the scrutiny of law and are not sustainable. The consequent termination of the services of the petitioner vide order dated 29.02.2016 (Annexure P-10) assailed herein also as a necessary consequence does not stand the scrutiny of law and is, hereby, set aside.

14. Learned counsel for the petitioner fairly concedes that in order to give an amicable quietus to the otherwise protected litigation, petitioner would be satisfied if he is inducted back in service without back-wages though by protecting his continuity in service for the period he has been out of service.

15. In the premise, respondents are directed to reinstate the petitioner as Sewadar without any back-wages but by granting him continuity in service.

16. Let the needful be done within a period of 30 days from the date of receipt of a certified copy of this order.

17. Allowed in the aforesaid terms.

**05.11.2019**

vandana

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No