

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
104

**CM-15727-C-2018 &
CM-15728-C-2018 &
RSA-5714-2018**

Date of decision: 04.04.2019

PUNJAB URBAN PLANNING AND DEVELOPMENT AUHTORITY

...APPELLANT

VS.

LAKHVEER SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. D.V.Sharma, Sr. Advocate,
with Mr. Tushar Sharma, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-15727-C-2018

Prayer in this application is for condonation of 25 days in filing
the appeal.

For the reasons mentioned in the application, the same is
allowed. Delay of 25 days in filing the appeal stands condoned.

RSA-5714-2018

It is the contention of the learned senior counsel for the
appellant-defendant that the appellant would be satisfied in case, this Court
reiterates the observations, which have been made by the Lower Appellate
Court in its judgment dated 04.05.2018 while dismissing the appeal i.e.
given liberty to the appellant to hold a fresh enquiry, in accordance with

law, which would mean that the respondent-plaintiff has not been reinstated but the defendants were allowed to proceed with the enquiry afresh in accordance with law.

These observations, as have been made by the learned Lower Appellate Court, finds mention in para-12 of the judgment passed by the learned Lower Appellate Court, which reads as follows:-

“ In view of the aforesaid discussion made by me, I am of the opinion that lower Court has rightly held that the orders passed by the defendants are illegal, null and void and are against the principles of natural justice. Learned counsel for the defendants have relied upon **State of Punjab Vs. Dr. Harbhajan Singh Greasy** 1996 (3) SCT 482 (SC) in which it has been held by the Hon'ble Apex Court that if the punishment order is found to be illegal, on account of defect in the enquiry, the Court should not direct reinstatement with all consequential benefits. The proper course is to direct the authority to proceed with the enquiry afresh in accordance with law from the stage the defect has been pointed out and to treat the employee under suspension during the proceedings. The law laid down in this citation is not disputed. Even the learned trial Court after holding that the orders passed by the defendants are illegal, null and void have given them permission to hold fresh enquiry within the period of four months after issuing notice to the plaintiff as per rules. Meaning thereby that the lower court has not reinstated the plaintiff and rather defendants were allowed to proceed with enquiry afresh in accordance with law.

Consequently, there is no illegality or irregularity in the findings of the learned lower Court on issue No. 1 and these findings are hereby affirmed.”

This Court would not clarify the said observations any further as they are clear and apparent. The judgment, as passed by the Lower Appellate Court, being in consonance with law does not call for interference by this Court.

The appeal, therefore, stands dismissed.

CM-15728-C-2018

In view of the dismissal of the main appeal, the present application has been rendered infructuous and the same is disposed of as such.

April 04, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No