

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6395 of 2020

Date of Decision: 06.03.2020

Vijay Kumar

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Manu K Bhandari, Advocate for the petitioner

GIRISH AGNIHOTRI, J. (Oral)

(1) Petitioner - Vijay Kumar has filed the present writ petition *inter alia* with a prayer to quash the order dated 02.03.2020 (P9) vide which he has been dismissed from service. Learned counsel submits that his main grievance is that an *ex parte* enquiry has been conducted in haste and severest of the punishment has been awarded to the petitioner who had 27 years of service.

(2) On a query put by this Court, counsel has fairly submitted that there is a remedy of appeal. However, he apprehends that the delay in decision of the appeal would prejudice his rights.

(3) This Court deems it appropriate to dispose of the writ petition with the following directions to the competent authority – respondent No.2:-

- (i) the petitioner shall, within 3 days from the date of receipt of certified copy of this order and maximum by 5:00 pm on 16.03.2020 file an appeal before respondent No.2. He undertakes that he shall file an application for stay of the termination order along with appeal;

- (ii) on the receipt of the appeal, the appellate authority may decide the same as expeditiously as possible maximum within six months from the date of receipt of the appeal;
- (iii) the impugned termination order shall remain stayed till the expiry of 7 days from the date the application for interim stay is decided.
- (4) The writ petition stands disposed of in above terms.
- (5) Let a **dasti** copy of this order under the signature of the Bench Secretary be handed over to learned counsel for the petitioner during the course of day.

06.03.2020

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No