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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19019 of 2005(O&M)
Date of decision: 25.02.2020

Gurpal Singh

.....Petitioner

V/s.

Panjab University and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Shailendra Sharma, Advocate,
for the petitioner.

Mr. Harpreet Singh Sidhu, Advocate,
for respondent Nos. 1 and 2.

Sanjay Kumar, J. (Oral)

The petitioner in this case was a Senior Assistant in the service of the Panjab University at the relevant point of time. By way of this writ petition, he assailed the second show-cause notice dated 11.10.2005 (Annexure P-6) issued by it calling upon him to explain as to why he should not be removed from service. The primary ground of challenge was that the said show-cause notice was issued at the behest of the appellate authority, viz., the Senate of the University, and not by the disciplinary authority, viz., the Vice-Chancellor of the University.

By order dated 06.12.2005, this Court took note of the submission made on behalf of the petitioner that the procedure being followed by the University effectively denied him his right of statutory appeal and directed that no final order should be passed in the proceedings initiated against the

petitioner.

Mr. Harpreet Singh Sidhu, learned counsel for the University, would justify the procedure adopted at that point of time on the ground that the disciplinary proceedings in question were initiated not only against the petitioner, a Class-B officer, but also against one Dr. Kewal Singh, a Class-A officer, in relation to the very same incident, and in terms of the Rules extant, the disciplinary authority of the higher category officer had to deal with the cases of both the employees.

However, owing to the interim order, the case against the petitioner did not progress to its logical end.

In any event, as much water has flown under the bridge since the passing of the interim order on 06.12.2005 and as the petitioner has already attained the age of superannuation on 31.05.2012, no purpose would be served in keeping this writ petition pending for adjudication on merits. Further, this Court is informed that the case of Dr. Kewal Singh has been independently dealt with, as there was no interim order passed in CWP No.9136 of 2006 filed by him. The case of the petitioner can therefore be dealt with independently by his own disciplinary authority at this stage.

The writ petition is accordingly disposed of directing the Vice-Chancellor of the University, the disciplinary authority of the petitioner, to take necessary further action pursuant to the second show-cause notice dated 11.10.2005, duly taking into consideration the petitioner's reply dated 26.10.2005. The disciplinary authority shall consider the entire material on record and take an appropriate decision in the matter, keeping in view the fact that the petitioner has already attained the age of superannuation. The Vice-

Chancellor shall also take into account the fact that the other charged employee, Dr. Kewal Singh, was let off with the penalty of reduction in pay scale. Depending upon the decision taken, the University shall initiate appropriate action with regard to the retiral benefits due and payable to the petitioner. This entire exercise shall be completed expeditiously any in any event, not later than six weeks from the date of receipt of a certified copy of this order.

Pending miscellaneous application, if any, shall stand closed in the light of this final order.

No order as to costs.

25.02.2020

rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking	:	<i>Yes/no</i>
<i>whether reportable/non reportable</i>	:	<i>Yes/no</i>