

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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**CWP-23587-2015 &
CM-17391-CWP-2019**

Date of decision: 04.02.2020

PARMINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB & OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S.Bains, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl. A.G. Punjab,
and Ms. Anu Pal, DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CWP-23587-2015

On 04.11.2015 when the case was heard, following order was
passed:-

“ Submits that the petitioner, who is working as Punjabi
Teacher in the Government High School, Nangal Ishar,
Hoshiarpur, Punjab, had taken permission from the Principal to
work as a honorary journalist, which was duly granted on
25.12.2005 (Annexure P1). Earlier show cause notice dated
03.12.2009 (Annexure P2) had also been issued to him on the

said issue to which the petitioner had given his explanation (Annexure P3) and the proceedings were dropped by respondent No.2 on 25.02.2010 (Annexure P4). Thereafter, the petitioner applied for permission again on 31.03.2012 (Annexure P5) which was granted on 03.04.2012 (Annexure P6). On account of his reporting of the news against respondents No.4 & 5, who are political persons affiliated to the ruling party, initially, the permission to work as journalist was declined on 30.09.2015 (Annexure P14) on the ground that it was not given by the prescribed authority. Thereafter, he had been transferred from Hoshiarpur to Amritsar, allegedly, in public interest, on 30.10.2015 (Annexure P20).

It is, accordingly, contended that as per the Punjab Government Employees (Conduct) Rules, 1966, a Government employee, with previous sanction of the prescribed authority, which, in the case of the petitioner, is the Principal, being the Disbursing Officer, as per Rule 2.26 of the Punjab Civil Services Rules, the permission was granted. It was only on account of the mala fide with the private respondents that proceedings have been initiated against the petitioner as their deeds are sought to be exposed by the petitioner in his writings.

Notice of motion for 15.12.2015.

Mr.Sidhu accepts notice on behalf of respondents No.1 to 3. Copy of the paperbook is supplied to the State Counsel.

Let respondents No.4 & 5 be served by way of dasti process.

In the meantime, operation of impugned orders (Annexures P14 & P20) shall remain stayed.”

Learned Additional Advocate General, Punjab, informs the Court that the order of transfer dated 30.10.2015 (Annexure P-20) of the petitioner has been withdrawn vide order dated 06.08.2019 (Annexure R-2) rendering the challenge to the said transfer orders as infructuous.

Learned counsel for the State could not dispute the competence of the Headmaster/Principal, who is the Drawing and Disbursing Officer of the petitioner, to grant permission for the purpose of continuing as honorary journalist, for which the petitioner had sought permission. However, he asserts that there has been violation of the said permission which has been granted to the petitioner and, therefore, the department would proceed in this matter in accordance with law.

In view of the above, the present writ petition is allowed. The impugned order dated 30.09.2015 (Annexure P-14) passed by the Director of Education Department, Punjab, wherein the reason for passing such order was the incompetence of the authority of the Headmaster, cannot sustain and, therefore, is, hereby, quashed.

It goes without saying that the respondents are at liberty to pass appropriate orders in accordance with law with regard to the conduct/misconduct, if any, of the petitioner.

In case the competent authority, in accordance with law, passes any fresh order relatable to the permission which has been granted to the petitioner, the same shall be in accordance with law.

CM-17391-CWP-2019

In view of the disposal of the main case, the present

application has been rendered infructuous and the same is disposed of as such.

February 04, 2020
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No