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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

CWP-19798-2020

Date of Decision: 23.11.2020

Jagroop Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present: Mr. R.K. Arora, Advocate for petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the charge-sheet dated 13.03.2018 (P-7), inquiry and punishment order dated 21.10.2019 (P-19); whereby punishment of removal from service has been imposed upon the petitioner, further not deciding the appeal of the petitioner dated 17.02.200 (P-20) against the aforesaid punishment order as patently illegal, arbitrary, malafide, unconstitutional, cryptic, disproportionate and violative of principle of natural justice; further for quashing the action of the respondents in not deciding/approving the leave applications of the petitioner dated 20.01.2018 (P-1), 27.01.2018 (P-3) and 12.02.2018 (P-5), which were duly supported by medical certificates and further without deciding those leave applications, treating the petitioner as willful absent, is patently wrong, illegal, biased, unconstitutional and violative of law laid down in a judgment of the Hon'ble Supreme Court reported as **2012(2) SCT 572**; and further for directing the respondents to grant approval of the aforementioned leave applications of the petitioner forthwith and release him all consequential benefits including reinstatement in service with all service benefits together with interest @ 12% p.a.

At the outset, instead of pressing the petition on merits, learned counsel for petitioner submits that he would be satisfied in case his appeal dated 17.02.2020 (P-20) is decided expeditiously by the appellate authority/respondent no.1 on some early date.

Prayer seems to be justified.

Notice of motion.

Mr. Nikhil Chopra, Addl. A.G., Punjab accepts notice on behalf of respondents. Learned State counsel is not averse to the innocuous prayer made by the petitioner.

In view of the agreed stand taken by both sides, but without going into the merits of the case; this Court deems it appropriate to dispose off the present writ petition with direction to respondent No.1 to consider and decide the appeal dated 17.02.2020, if the same is pending, by passing a speaking order in accordance with law, expeditiously, but not later than 15.12.2020. However, if petitioner so desires, he may assist the appellate authority either in person by following due protocol or through virtual hearing.

Ordered accordingly.

Needless to say that if some adverse decision is taken against petitioner, he would be at liberty to take recourse to the remedy available under law.

23 November, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No