

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

CWP No. 21698 of 2019
Date of decision: 11.12.2020

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Jarnail Singh and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Nitin Verma, Advocate,
for Mr. Sameer Sachdeva, Advocate,
for the petitioners (in CWP Nos. 21698 and 24227 of 2019).

Mr. N.K. Manchanda, Advocate,
for the petitioners (in CWP Nos. 24954 and 25653 of 2019).

Ms. Anju Sharma, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

This order shall dispose of four writ petitions i.e. CWP Nos. 21698, 24227, 24954 and 25653 of 2019 as common questions of facts and law are involved in all the cases. Reference is being made to ***CWP No. 21698 of 2019, Jarnail Singh and others vs. State of Punjab and others.***

The petitioners challenge the orders dated 08.08.2019 whereby, they have been prematurely retired from service. The writ petition was, thus, filed and the interim order was passed on 19.08.2019, which reads thus:-

“Inter alia, contends that the order dated 08.08.2019 (Annexure P-2 colly.) impugned herein has been passed in violation of Rule 3 (1) (a) of the Punjab Civil Services (Premature Retirement) Rules, 1975.

Learned counsel for the petitioners submits that

no prior notice was issued to the petitioners before passing of the impugned order summarily discharging them from service on the ostensible ground of their absenteeism for the durations specified therein encompassing their entire career. He submits that all the petitioners were awarded punishments in accordance with law for having remained absent for those durations and yet they have been compulsorily retired on the ground of said alleged absenteeism.

Notice of motion.

On advance service of the petition, Ms. Anu Chatrath, Senior Advocate assisted by Ms. Ambika Bedi, AAG, Punjab appears and accepts notice on behalf of the respondents and seeks time to file reply.

Adjourned to 26.09.2019.

In the peculiar circumstances of the case, given that the petitioners were summarily asked to pack their bags at notice of few hours by passing the impugned order on 08.08.2019 and asking them to not to report on duty with effect from 08.08.2019 afternoon itself, I am constrained to stay the operation of the impugned orders herein by directing the respondents to restore the status quo ante till the next date of hearing.”

In the written statement now filed, the plea taken is that the action was taken as per the recommendation of the Committee but inadvertently, the petitioners could not be issued show cause notices. It is submitted that in pursuance of the interim order passed by this Court, the orders have been withdrawn on 04.09.2019 (Annexures R-3 to R-12) and fresh orders will be passed after issuing show cause notices to the petitioners.

Thus, it is apparent that the respondents have accepted that they have faulted in not complying with the statutory Rules and have given their

consent that they would proceed in accordance with law.

In such circumstances, the writ petitions are allowed by quashing orders dated 08.08.2019. It is made clear that the respondents are free and at liberty to proceed in accordance with law and take action by following the statutory provisions before taking any such drastic step.

11.12.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No