

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 - CWP No.21051 of 2020 (O&M)

Date of Decision: 08.12.2020

Ugarsain Topu

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: None for the petitioner
Ms. Akshita Chauhan, AAG, Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Ugarsain Topu aged 40 years has filed the present writ petition *inter alia* seeking a direction to respondent No.2 to decide his appeal against the order dated 04.09.2020 (P-5) vide which respondent No.3 has upheld its earlier order dated 06.04.2016 (P-1) terminating the petitioner's services. A further direction is sought prohibiting the respondent from taking any action for eviction of the petitioner from allotted House No.1803/3 Phase 10, HOUSFED Complex, Mohali till the decision of his appeal.

Though the Bar Association has informed that there is suspension of work today in the wake of call given by the Bar Council of Punjab and Haryana High Court, however, this Court proceeds to dispose of the writ petition in view of the nature of order proposed to be passed.

Learned counsel for the petitioner by making reference to the petition submits that the petitioner was appointed as Peon on compassionate grounds on 01.12.2014. It is submitted that on 20.02.2015, the petitioner had sought leave on phone but when he was asked to report to the office, he again reported in the office, however, on 03.03.2015, the services of the petitioner

were suspended. After issuing him charge-sheet and after holding regular enquiry, the petitioner was dismissed from service vide order dated 06.04.2016 (P-1). On 14.09.2020 (P-6), the petitioner submitted an appeal under Rule 18 of the Punjab State Co-operative Housing Federation Service Rules, 2001 against the order dated 04.09.2020 whereby original order dated 06.04.2016 was upheld. As per learned counsel for the petitioner, the grievance of the petitioner primarily is that on one hand, the appeal is pending and has not been decided till date whereas on the other hand, he is being asked to vacate flat No.1803/3 allotted in HOUSEFED Complex Phase-10, Mohali.

At this stage, learned counsel for the petitioner submits that he would move an application for stay before the appellate authority within one week from today.

Notice of motion. On the asking, Ms. Akshita Chauhan, AAG, Punjab accepts notice on behalf of respondents No.1 & 4 through video conferencing.

In view of the aforementioned facts and circumstances, this Court deems it appropriate to dispose of the writ petition with a direction to the appellate authority i.e. respondent No.2 to decide the application for staying vacation of the above-mentioned flat, as early as possible. It is directed that till the decision of the stay application so filed by the petitioner/appellant, the eviction of the petitioner from the aforesaid flat shall remain stayed.

It is further directed that the main appeal be decided as expeditiously as possible preferably within 4 months from the date of receipt of certified copy of this order.

So ordered.

08.12.2020

vishal shonkar

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No