

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

CWP-9345-2018

Date of decision: 19.2.2020

Sukhjinder Singh**.....Petitioner.****vs.****Shiromani Gurudwara Parbandhak
Committee and another****.....Respondents.****CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: - Mr. B.S. Guliani, Advocate for the petitioner.

Ms. Tuneet Walia, Advocate for respondent No. 1.

Mr. M.S. Virk, Advocate for respondent No. 2.

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Sanjay Kumar, J. (ORAL)

The petitioner assails the order dated 17.10.2017 and the resolution dated 28.10.2017 passed by the Local Committee of Management of Gurudwara Gurusar Sahib Lopo, Patshahi 6vi, District Moga, whereby his services as a Sewadar in the Gurudwara were terminated.

Perusal of the impugned removal order and the resolution demonstrates that the removal of the petitioner from service was stigmatic in nature. Admittedly, the second respondent did not put the petitioner on notice or afford him an opportunity of hearing before resorting to such punitive action. Even if no specific rules govern the second respondent, it was incumbent upon it to adhere to the principles of natural justice. All the more so, when the second respondent proposed to pass a punitive order which cast a stigma upon the petitioner.

In that view of the matter, the writ petition is allowed setting aside the impugned order 17.10.2017 and the resolution dated 28.10.2017. This order shall not preclude the second respondent from taking appropriate action, if warranted, even at this stage by adhering to principles of natural justice. However, given the fact that the petitioner did not actually work since his removal from service and this writ petition was filed only in April 2016, it is left open to the second respondent to also deal with the petitioner's claim as to how the period since his removal from service should be treated.

No order to costs.

(SANJAY KUMAR)
JUDGE

19.2.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no