

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

LPA No. 739 of 2018 (O&M)
Date of decision: 03.02.2020

Ravinder Singh

... Appellant

Vs.

Punjab State Electricity Board & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Harpal Singh Saggu, Advocate, for the appellant.

Ms. Meena Bansal, Advocate, for respondent Nos. 1 to 4.

ALKA SARIN, J.

C.M No. 2037-LPA of 2018

For the reasons stated in the application, the same is allowed
subject to all just exceptions.

LPA No. 739 of 2018

This is an intra-court appeal under Clause X of the Letter Patent
and is directed against the judgment and order dated 16.04.2018 passed by the
learned Single Judge, whereby the writ petition filed by the appellant has been
dismissed.

The brief facts relevant to the present *lis* are that the appellant
was re-employed by the Punjab State Electricity Board in August, 1997. The
appellant was a retrenched employee having worked for 510 days during the
year 1983-84 as Daily Wage Worker. Vide letter dated 17.11.1997, the

appellant was re-employed. Later, on verification it came to light that the service certificate (for 510 days) did not tally with the service record maintained in the office of the Executive Engineer, R.E. Division, Gurdaspur. Accordingly, a show cause notice was issued to the appellant and subsequently vide letter dated 07.04.1998, the appointment of the appellant was cancelled. The appellant gave a demand notice dated 16.08.1999 which led to Reference No.20 of 2000 before the Labour Court, Bathinda. Vide award dated 07.12.2010, the Labour Court rejected the claim of the appellant. It is pertinent to notice that during the pendency of the proceedings before the Labour Court, an inquiry was held and the appellant was dismissed from service vide order dated 25.07.2000.

Admittedly, the appellant failed to challenge the dismissal order dated 25.07.2000. However, in the writ petition filed by him a challenge was sought to be made to both the orders i.e. order dated 07.04.1998 as well as order dated 25.07.2000.

We have heard learned counsel for the parties.

Learned counsel for the appellant has contended that the appellant was dismissed from service without conducting any enquiry and hence revision petition has wrongly been dismissed.

Per contra, learned counsel for the respondents has contended that the dismissal order dated 25.07.2000 was never challenged by the appellant before the Industrial Tribunal by taking a fresh reference in view of the later development. That being so, the learned Single Judge had rightly dismissed the writ petition.

Admittedly, the order dated 25.07.2000 passed by the respondents dismissing the appellant from service was never taken up by way of a fresh reference by the appellant. He only pursued Reference No.20 of 2000, which related to the cancellation of the order of appointment dated 07.04.1998.

Learned counsel for the appellant on being confronted with the said fact only contended that the order dated 07.04.1998 was passed without holding any inquiry. He was, however, unable to dispute the fact that an order of dismissal was infact passed on 25.07.2000, which was never taken in a fresh reference by him before the Industrial Tribunal. That being so, the order dated 25.07.2000 could not have been challenged for the first time in a writ petition before this Court.

We, therefore, find no illegality or infirmity in the order passed by the learned Single Judge.

The appeal is, accordingly, dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ALKA SARIN)
JUDGE

February 03, 2020
tripti

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No