

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

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**CWP No. 26115 of 2021
Date of decision : 21.12.2021**

Gopal Sharma

.....Petitioner

Vs.

Punjab National Bank and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Praveen Gupta, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for quashing the impugned order dated 2.7.2020 (Annexure P-8), passed by the Appellate Authority, whereby the appeal filed by the petitioner has been rejected only on the basis of being, allegedly, time barred; and for quashing of order dated 22.10.2019 (Annexure P-6) passed by the Disciplinary Authority, whereby punishment of 'stoppage of four increments with cumulative effect' has been imposed; and also for quashing the enquiry report dated 1.3.2019 (Annexure P-3) to the extent of the allegations held to be proved against the petitioner. It is also prayed that the Appellate Authority be directed to decide the appeal on merits and the respondents be directed to release the increments of the petitioner w.e.f. the due date the same has been illegally withheld; with all other consequential benefits.

It is submitted by counsel for the petitioner that the punishment was inflicted upon the petitioner by the Punishing Authority. He had preferred statutory appeal. However, that appeal has been dismissed only on the ground

of limitation. It is further submitted that the petitioner was not aware of the limit of 45 days in filing the appeal. Moreover, serious prejudice has been caused to the petitioner because of the dismissal of the appeal only on the ground of delay. The petitioner deserves to be heard on merits of the case.

Notice of motion.

On the asking of the Court; Mr. Akshay Jain, Advocate, accepts notice on behalf of the respondents- Bank and submits that since the appeal has to be filed within 45 days under the relevant provisions; and the same was filed after more than 4 months, therefore, the order has rightly been passed.

Having considered the submissions of the parties and having perused the case file, this Court finds that, of course, the appeal is not filed within prescribed time, however, it would be appropriate if the petitioner is heard on merit and then the Appellate Authority takes a decision, lest the substantial justice should be made to suffer. Moreover, the proceedings are not in the nature of adversarial litigation, therefore, the respondents-Authority would not suffer any prejudice if it hears the petitioner on merits of the case.

In view of the above, the present petition is disposed of with a direction to respondent No.2 to decide the appeal filed by the petitioner on merits, by treating the same as having been filed by the petitioner in time.

(RAJBIR SEHRAWAT)
JUDGE

21.12.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No