

CWP No.2177 of 2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CWP No.2177 of 2021

Date of Decision: 04.02.2021

Ved Pal Gupta

...Petitioner

Versus

Hon'ble High Court of Punjab and Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ved Pal Gupta, petitioner in person.

Mr. D.P. Singla, OSD, Litigation,
for respondent No.1.

AUGUSTINE GEORGE MASIH, J.

This writ petition has been preferred by the petitioner, who is a member of the Haryana Superior Judicial Services, challenging the Enquiry Report dated 24.04.2017 (Annexure P-21) and the order dated 15.12.2020 (Annexure P-24), vide which judicial work from the petitioner stands withdrawn, which according to him is pursuant to the decision dated 14.12.2020 taken in the Full Court Meeting of the High Court accepting the recommendation dated 29.07.2019 made by the Vigilance/Disciplinary Committee. Writ of *mandamus* has also been sought for designating the petitioner as District & Sessions Judge with effect from the date his juniors have been so designated and to grant him all consequential benefits.

2. Petitioner, who appeared in person, was at the very outset confronted with the fact that the decision dated 14.12.2020 taken by the High Court in its Full Court Meeting as well as the decision/recommendation dated 29.07.2019 made by the Vigilance/Disciplinary Committee have not been placed on record, to which the answer of the petitioner is that the same has not been received by him from the High Court.

In the absence of the above referred documents being on record, this Court is not in a position to take a decision with regard to the correctness or otherwise of the order dated 15.12.2020 (Annexure P-24) passed by the High Court withdrawing the judicial work from the petitioner.

3. Further, when the petitioner was confronted with the fact that till date, no decision has been taken by the Competent Authority on the recommendation of the High Court and there is no order on the record which would indicate that the petitioner has been adversely effected in any manner and therefore, the writ petition is premature, the petitioner asserted that in the light of the provisions of Rule 25 of the Haryana Superior Judicial Service Rules, 2007, the recommendation of the High Court in disciplinary matters involving major penalty of removal/dismissal, premature and voluntary retirement shall be binding on the Government for the purpose of final orders but this aspect, again, cannot be gone into in the light of the fact that neither the recommendation of the Vigilance/Disciplinary Committee nor the decision taken in the Full Court Meeting, dated 14.12.2020, has been placed on record, which would throw

some light on the said aspect as has been asserted.

4. In view of the above, we are of the view that the writ petition is premature at this stage as no final order has been passed on the recommendation/decision dated 14.12.2020 taken by the High Court in its Full Court Meeting by the Competent Authority.

The writ petition is disposed of as premature with liberty to the petitioner to approach this Court again after the passing of the final order by the Competent Authority.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

04.02.2021
Harish

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