

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

236

CWP-4383-2020

Date of decision:22.03.2021

RAMDAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sunny Singla , Advocate for the petitioner.

Ms. Maloo Chahal, DAG, Punjab.

ANIL KSHETARPAL, J.

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226/227 of Constitution of India, the petitioner assails the correctness of order dated 17.12.2019 imposing a penalty of stoppage of two annual increments with cumulative effect.

After having heard learned counsel for the parties at some length, this Court is of the considered view that it would not be appropriate for this Bench to opine on the merits of the case keeping in view the facts that this Bench intends to remand the matter back to the competent authority.

The petitioner is stated to have been issued a charge-sheet vide communication dated 26.11.2019. The petitioner is stated to have sent a reply Annexure P-6 to the respondent on 17.12.2019. However, on 17.12.2019 itself, the Secretary, School Education, passed the impugned

order without considering the reply. In the written statement, it has been pleaded that the reply was received after the time prescribed i.e. 21 days.

It is not in dispute that this was the first opportunity as the petitioner was served with the charge-sheet along with communication dated 26.11.2019 and he sent a reply within a period of 21 days which may have been received after 21st day.

Keeping in view the aforesaid facts, the order passed by Secretary, School Education, Punjab, dated 17.12.2019 is set aside with a request to re-decide the matter after taking into consideration the reply filed by the petitioner.

With these observation, the present writ petition is disposed of.

22.03.2021
Ayub/nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No