

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-6373-2021

Decided on: 25.08.2021

BHUPINDER KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Jasvir Singh Dhaliwal, Advocate, for the petitioner.

Ms.Ambika Bedi, AAG, Punjab.

Mr.R.S.Kalra, Advocate, for caveator-respondents No.2 & 3.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral):-

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India is to the order dated 02.03.2021 (Annexure P-6) vide which, petitioner was removed from service by the Managing Director of the Punjab Agro Industries Corporation Ltd.

Counsel for the petitioner has tried to raise various arguments, which in the opinion of this Court, are not liable to be taken into consideration, keeping in view the fact that the petitioner has an alternative and efficacious remedy of filing an appeal under Regulations 26 & 34 of the Standing Orders of Punjab Agro Industries Corporation Ltd., which provide that an appeal lies to the Board of Directors. Same read as under:

“26. Right Of Appeal.

Every employee shall have a right to appeal to the appellate authority specified in Order No.34 against any order passed under order (24)(a).

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34. The Punishing And The Appellate Authorities.

For all workmen the Managing Director of the Corporation shall be Appointing and Punishing Authority. Board of Directors of the Corporation shall be the Appellate Authority.”

Section 24(a) also provides major penalties which can be imposed, including removal from service. In such circumstances, once there is an alternative and efficacious remedy available to the petitioner, the present writ petition is not maintainable. Reliance can be placed upon the judgment of the Apex Court in **United Bank of India Vs. Satyawati Tondon & others 2010 (8) SCC 110**, in this regard.

Accordingly, keeping in view the above, the present writ petition is dismissed, with liberty to the petitioner to seek her remedy of appeal, in accordance with law.

AUGUST 25, 2021

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No