

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP No.14118 of 2021
Date of decision: 29.07.2021

Dewan Chand

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam (DHBVN)
and others

...Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Kumar Nehra, Advocate for the petitioner.

Mr. Sharad Aggarwal AAG, Haryana.

Mr. Sartej Singh Narula, Advocate
for the respondents-caveator.

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HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the challenge is to order dated 31.05.2021 (Annexure P/3), by which, the petitioner has been dismissed from service by the Managing Director of the respondent-Nigam. Learned counsel for the petitioner argues that the petitioner has wrongly been dismissed from service, especially, when the petitioner was to superannuate on 31.07.2021. Learned counsel for the petitioner further argues that the punishment imposed upon the petitioner is disproportionate to the charges alleged, even if proved.

Learned counsel for the respondent-Nigam submits that the present writ petition is not maintainable, at this stage, for the reasons that the petitioner has a remedy of appeal against the impugned order dated 31.05.2021 (Annexure P/3) keeping in view the provisions contained in

DHBVN Employees (Punishment and Appeal) Regulations, 2019.

Faced with this situation, learned counsel for the petitioner submits that he be allowed to withdraw this petition with liberty to file an appeal before the Appellate authority and a direction be issued to the respondent-Nigam to decide the same expeditiously as the petitioner was to retire on attaining the age of superannuation on 31.07.2021.

Learned counsel for the respondent-Nigam submits that in case, petitioner files an appeal against the impugned order dated 31.05.2021 (Annexure P/3), the same will be decided by the Appellate authority concerned in accordance with law by passing an appropriate speaking order within a period of three months from the date of submission of the appeal.

Learned counsel for the petitioner submits that keeping in view the undertaking given by the learned counsel for the respondent-Nigam, that the appeal of the petitioner will be decided within a period of three months from the date of submission of the same, the petitioner does not press the present writ petition, at this stage, and he be allowed to withdraw the same with liberty to avail the remedy of appeal.

The present writ petition is disposed of as having been withdrawn with liberty as prayed for.

It is made clear that the respondents will be bound by their statement recorded hereinabove.

July 29, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/N