

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CWP-2675-2022 (O&M)
Date of Decision :10.11.2022

Chand Kishore

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sachmeet Singh Randhawa, Advocate for
Mr. Samrat Malik, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-9222-CWP-2022

Present application has been filed for preponing the date of hearing in the main writ petition.

Learned counsel for the petitioner submits that as the main writ petition is already listed for today, the present application has been rendered infructuous and the same may be disposed of as such.

Ordered accordingly.

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In the present writ petition, the challenge is to the show cause notice dated 28.01.2022 Annexure P/11, by which, the petitioner has been given a liberty to represent as to why his services should not be terminated on the ground that JBT Diploma as well as Diploma in Education of the petitioner, on the basis of which he secured appointment, have already been cancelled by the competent authority.

Learned counsel appearing for the petitioner argues that against

the order dated 19.06.2015 (Annexure P/5) passed by the Director Secondary Education, Haryana whereby, Diploma in Education of the petitioner was cancelled, the petitioner has already filed an appeal before the Additional Chief Secretary Education, Haryana (Annexure P/9), which appeal is still pending consideration and as the said order of cancellation of Diploma in Education of the petitioner has not attained finality, no action terminating the services of the petitioner can be taken in pursuance to the show cause notice dated 28.01.2022 (Annexure P/11).

While issuing notice of motion, respondents were restrained from passing any order on the show cause notice dated 28.01.2022 (Annexure P/11) by which, it was proposed to terminate the services of the petitioner.

Respondents have filed reply wherein, the respondents have stated that as the Diploma in Education on the basis of which the petitioner was appointed has already been cancelled by the respondents vide order dated 19.06.2015 (Annexure P/5) therefore, the petitioner cannot remain in service.

Nothing has come on record in the reply, as to why, the appeal filed by the petitioner against the order of cancellation of his Diploma in Education i.e. (Annexure P/9) has not been decided so far. Once, the order of cancellation of diploma in Education of the petitioner has not attained finality as against the said order, an appeal is still pending consideration with the higher authorities, without deciding the said appeal, no action can be taken against the petitioner on the basis of an order which is under appeal.

Faced with this situation, learned counsel for the respondents

submits that appropriate order on the appeal filed by the petitioner against the order of cancellation of Diploma in Education of the petitioner will be passed by the competent authority within a period of 08 weeks from the date of receipt of copy of this order and in case, after passing of the said order, any order on the show cause notice dated 28.01.2022 (Annexure-P/11) needs to be passed, the same will be passed thereafter and till the passing of the order in appeal (Annexure P/9), no coercive action will be taken against the petitioner in pursuance to the show cause notice dated 28.01.2022 (Annexure P/11).

Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, no further grievance of the petitioner survives in the present writ petition and the same may be disposed off as such.

Keeping in view the above, the present writ petition is disposed off having been not pressed any further with direction to the respondents that in case the respondents are of the view that appropriate order on the show cause notice dated 28.01.2022 (Annexure P/11) needs to be passed even after deciding the appeal, the same will be passed after giving due opportunity of hearing to the petitioner.

CM-9257-CWP-2022

As the main case has been disposed off as not pressed, the present application stands disposed of as such.

November 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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