

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

CWP-22866-2022
Date of Decision: 30.09.2022

Dinesh Kumar

..... Petitioner

Versus

Chandigarh Administration and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Nilesh Bhardwaj, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari quashing the impugned order dated 16.09.2022 (Annexure P-32), vide which a penalty of removal of service has been imposed on the petitioner without issuance of show cause notice, the charge sheet dated 09.03.2021 (Annexure P-9), order of appointment of Enquiry Officer dated 27.07.2021 (Annexure P-11), order dated 27.08.2021 (Annexure P-17) and Enquiry Report dated 24.09.2021 (Annexure P-25).

It is submitted by the learned counsel for the petitioner that undisputedly, the petitioner was involved in a criminal case and having suffered custody period, the absence of the petitioner was not wilful. It was caused by the circumstances beyond the control or willingness of the petitioner; as such. Hence, the impugned order passed against the petitioner is not based on facts.

Notice of motion.

On the asking of the Court, Mr. J.S.Lalli, Senior Panel Counsel, and Mr. Arav Gupta, Advocate, accept notice on behalf of respondents No.1 to 3.

It is pointed out by the learned counsel for respondents No.1 to 3 that the order impugned in the present petition is appealable one.

In view of the above, the present petition is dismissed. However, the petitioner would be at liberty to avail his remedy, in accordance with law, before the competent authority.

(RAJBIR SEHRAWAT)
JUDGE

30.09.2022
adhikari

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