

317

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-493-2011 (O&M)
Date of decision: 10.03.2023

S.M. Sharma

... Petitioner

Vs.

S.K. Dubey

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Akash Soni, Advocate for
Mr. Saurav Verma, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 21.07.2010
passed in CWP-12718-2010, vide which following directions were issued: -

*“In my considered view, the petitioner has got an effective
alternative remedy of departmental appeal against the impugned
order, especially when in the case of Sh. A.K. Verma also it was
the Appellate Authority who vide order dated 23.5.2007 (Annexure
P-12) intervened and modified the penalty of removal from service
to compulsory retirement. The writ petition is accordingly
disposed of at this stage with liberty to the petitioner to prefer the
departmental appeal within a period of one month. It is directed*

that in case the petitioner prefers the appeal, as permitted above, the Appellate Authority shall decide the same on merits within a period of three months, and keeping in view the observations made by this Court vide order dated 8.3.2010 passed in Civil Writ Petition No.16606 of 2008 (S.M. Sharma versus Punjab National Bank).”

Admittedly, appeal filed by the petitioner stands decided by the appellate authority and grievance of the petitioner is that same has not been properly decided.

This Court finds that there is no willfull disobedience, as the order has been complied with and the appellate order can be challenged by the petitioner by availing the alternative remedy.

In view of the above, present petition is rendered as infructuous with liberty to the petitioner to avail the alternative remedy, in accordance with law.

[ARVIND SINGH SANGWAN]
JUDGE

10.03.2023

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No