

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

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**CWP-16319-1995
Date of decision: 27.01.2023**

HARDEV SINGH

..Petitioner

Versus

STATE OF PUNJAB & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. R.K. Kapoor, Addl. A.G. Punjab.

ANIL KSHETARPAL, J(Oral)

The petitioner prays for issuance of a writ in the nature of certiorari to quash the impugned orders Annexure P-4 and Annexure P-9.

In essence, the petitioner claims that his services have been wrongly dispensed with without holding any enquiry. The aforesaid order has also been affirmed in appeal vide order Annexure P-9.

In substance, the petitioner was issued a show cause notice by District Education Officer imputing that he has been leading adulterous life while having relationship with, another teacher. The petitioner at the relevant time was posted as Head Master in the Government Primary School. The show cause notice was issued based upon the findings recorded in the divorce petition filed by the husband of the aforesaid teacher. In those proceedings, the petitioner was though a party but was not served with the notice from the Court. The High Court in appeal held that the finding against the petitioner shall not be final though the decree of divorce granted by the trial Court was upheld.

On 09.01.2023, this Court after hearing the arguments of the learned counsel representing the petitioner, recorded the following order:-

“The petitioner prays for issuance of a writ in the nature of certiorari to quash the orders Annexure P-4 and P-9. The services of the petitioner have been dispensed with, without holding a regular enquiry though he was a regular employee working in the Department of Education, Punjab. In the written statement, the respondents have taken a stand that the Competent Authority can dispense with an enquiry where it is not possible to hold enquiry under the ordinary circumstances. It is evident from the reading of the order Annexure P-4, the District Education Officer has not recorded any satisfaction.

List on 16.01.2023 in the urgent list for final disposal.

The learned counsel representing the respondent is required to come prepared for the final arguments.”

The learned counsel representing the State of Punjab has failed to draw the attention of the Court to the reasons for dispensing with the requirement of conducting the departmental enquiry.

Keeping in view the aforesaid facts, the impugned orders Annexure P-4 and P-9 are set aside with liberty to the competent authority to proceed with the departmental enquiry if the reply to the show cause notice is found unsatisfactory.

The petitioner has already attained the age of superannuation, therefore, the enquiry be concluded within a period of six months, from today, positively.

With these observations, the present petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

January 27th, 2023

(ANIL KSHETARPAL)

Ay

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*