

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CWP No. 9677 of 2019 (O&M)

Date of decision: 06.02.2023

Sher Singh

.....Petitioner

Versus

Punjab School Education Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pardeep Singh Mirpur, Advocate for the petitioner.

Mr. Sehajbir S. Aulakh, Asst.A.G., Punjab.

Ms. Tuneet Walia, Advocate for the respondents.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of writ, order, direction or a writ especially in the nature of Certiorari quashing the impugned order dated 03.01.2019 (Annexure P-6) passed by respondent No. 2 whereby the services of the petitioner have been dismissed.

Petitioner was working as daily wager with respondent-Punjab School Education Board. On 30.08.2018, he was served with show cause notice which reads as under:

“Smt. Usha Bajaj Senior Assistant (Incharge Examination Board) by filing the voucher has sent Sh. Sher Singh Daily wage on 24.08.2018 by handing over cash amount of Rs.8700/- for depositing the same in Oriental Bank of Commerce Ferozepur. On that day you have not deposited the aforesaid cash amount in the Bank and today on 30.08.2018 you have returned the aforesaid cash amount to the concerned employee.

In this regard you clarify your defense that you kept the cash amount

of office with you for five days. As such you have committed negligence by

keeping the cash of office with you. Clarification in this regard be submitted to the undersigned immediately otherwise information in this regard shall be forwarded to the Head Office.”

Admittedly, no reply was submitted by the petitioner to the same. The same further culminated in the order of dismissal dated 13.12.2018 placed on record as Annexure P-6.

Learned counsel for the petitioner submits that P-6 has been passed without any inquiry and no opportunity of hearing was accorded to the petitioner.

I have heard the counsel for the parties and gone through the records of the case.

Admittedly, Annexure P-5 was served on the petitioner on 30.08.2018 and he was directed to submit his clarification. He opted not to submit any clarification which resulted in the order dated 13.12.2018. Thus, once the employee opts not to respond to the show cause notice and also admits that he was served with the same, he cannot be allowed to turn back and submit that the final order of punishment has been passed without giving him opportunity of hearing. Trite it is that non submission of response to show cause notice amounts to tacit admission of the contents of the show cause notice.

In view of the aforesaid, no fault can be found with the order dated 13.12.2018.

Accordingly, the present writ petition is ordered to be dismissed.

06.02.2023
Rajeev (rvs)

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No