

CM-4277-CII-2023 in/and
CR-3846-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CM-4277-CII-2023 in/and
CR-3846-2019
Date of Decision : 14.03.2023

Arya Bal Bharti Public School

...Petitioner

Versus

Ajinderjeet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

CM-4277-CII-2023

Present application has been filed for recalling the order dated 09.02.2023, by which, the present petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. The order dated 09.02.2023 is recalled and the revision petition is restored to its original number and status.

CR-3846-2019

In the present civil revision petition, the challenge is to the order dated 25.02.2019 (Annexure P-1) by which, a direction has been issued to the petitioner to provide original record relating to the service of

the respondent-employee.

Learned counsel for the petitioner submits that the order dated 25.02.2019 passed by the court below does not state that the said record is necessary for adjudication of the claim raised by the respondent-employee hence, the said order directing the petitioner-school to make available the original record as being asked for, details of which have been given in paragraph 2 of the order, is liable to be set-aside.

Learned counsel for the petitioner further submits that while passing the impugned order, the description of the record has been given but it has not been mentioned that the total record of the school is to be given or the record relating to the teacher concerned is to be provided.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

In paragraph 7 of the impugned order dated 25.02.2019, the court has opined that the documents, which are being sought to be produced, will help the court to decide the appeal in a manner required and also help in deciding the objection of the petitioner-school, are supported by the rules and regulations of the institution or not.

Once, the court has expressed the opinion that the documents sought to be brought on record will help the court to arrive at just and proper decision, the grievance being raised by the petitioner that justification for each and every document should have been mentioned in the order, cannot be accepted. The court is well within its jurisdiction to summon any record in order to pass just and proper order in view of the facts and circumstances of each and every given case.

Further, once the record is being summoned in order to decide the dismissal of the teacher, in all probabilities, the record relating to the teacher has to be presented. But, in case any confusion prevails, the petitioner will be at liberty to approach the court below for clarification of the same.

Keeping in view the above, no interference is called for in the impugned order dated 25.02.2019 passed by the court below.

Dismissed, with liberty aforesaid.

March 14, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No