

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

CWP-14721-2022 (O&M)

Date of Decision:09.11.2023

TILAK SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of dismissal order dated 24.11.2020 (Annexure P-3) and orders passed by Appellate Authorities.

2. Learned counsel for the petitioner submits that petitioner alongwith another employee namely Pargat Singh was subjected to departmental as well as criminal proceedings. Both were punished without conducting enquiry. Both the petitioners preferred writ petitions before this Court. CWP No.16148 of 2021 filed by co-accused i.e. Pargat Singh has been allowed vide order dated 02.09.2022 passed by this Court. In the said order factum of implication of petitioner is also noticed. The case of the petitioner is squarely covered by said order.

3. Faced with this, learned State counsel submits that petition may be disposed of in the light of order dated 02.09.2022 passed by this Court, however, State may be granted liberty to take action in accordance with law. The operative portion of order dated 02.09.2022 passed by this

Court reads as:

“10. On perusal of impugned order of dismissal, it is apparent that no reasons whatsoever have been recorded to show as to why it is not possible to hold an inquiry. A mere observation that “keeping in view their conduct they may threaten the witnesses and influence the regular departmental enquiry, it will not be reasonably practicable to hold an enquiry into the allegations against the accused LR/ASI Tilak Singh No.723/Amritsar and LR/ASI Pargat Singh No.1756/Amritsar..”, would not satisfy the stringent onditions imposed of giving a reasonable explanation as to why an inquiry cannot be held before dismissing an employee.

11. Consequently, the writ petition stand allowed and the impugned order dismissing the petitioner from service vide orders dated 20.03.2020 (Annexure P/2) and 16.12.2020 (Annexure P/3) are set aside, leaving it open to the respondent-State to take departmental action in accordance with law.”

4. In view of statements of both sides, the present petition stands disposed of in terms of order dated 02.09.2022 passed by this Court in CWP No.16148 of 2021. The State is liberty to take departmental action in accordance with law.

5. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

09.11.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No