

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CWP-16362-2021 (O&M)
Date of Decision: 06.12.2023

Surender Kumar

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mukesh Yadav, Advocate for the applicant
Mr. Anil Chawla, Senior Panel Counsel,
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

CM-20335-CWP-2023

The applicant through instant application is seeking
preponement of date of hearing of the captioned petition.

For the reasons set out in the application and with the consent of
both sides, the present application is allowed and main petition is taken up on
board today itself.

CM stands disposed of.

CWP-16362-2021

1. On 01.12.2021, the following order was passed:-

*“It is submitted by learned counsel for the petitioner
that the basic allegation against the petitioner was that he was
not paying the maintenance to his then estranged wife; and
certain other allegations were also raised by the wife of the*

petitioner qua the matrimonial affairs. However, now the wife of the petitioner is happily residing with the petitioner. The matrimonial dispute between the two already stands settled for all times to come. Hence, the order passed against the petitioner is totally unjustified.

Notice of motion.

Mr. Anil Chawla, Advocate, accepts notice on behalf of the respondents-UOI and seeks time to get instructions or to file written statement, as considered appropriate by the respondents.

Adjourned to 09.05.2022.”

2. The petitioner through CM-20335-CWP-2023 has placed on record compromise deed dated 02.09.2022 (Annexure A-2) executed between the petitioner and his wife. The petitioner has further placed on record letter dated 24.08.2022 (Annexure A-1) disclosing that Commandant-First Battalion has deputed one official to verify status of family and address of the petitioner as well as his wife. The said official visited residence of the petitioner and confirmed that petitioner is residing with his wife and children.

3. Learned counsel for the respondents concedes that petitioner was removed from service on the sole ground that wife of the petitioner was repeatedly lodging complaints to the effect that petitioner is staying with another lady and misbehaving with her. He further concedes that there was no dereliction in duty except his indiscipline which was inferred on the basis of her extra marital relations.

4. The respondent had taken action against the petitioner as he was not taking care of his wife and children. He was not paying them cost of maintenance. The removal of service has deprived the petitioner from salary

as well as other benefits. The said action is not serving cause of the family of the petitioner rather it is going to make things worse. The respondent has deputed its one official to verify whether petitioner has resolved his disputes with his wife and whether he is staying with his wife and children. This shows that intent and purport of impugned order was to compel the petitioner to mend his behavior qua his wife and children. The petitioner has entered into compromise with his wife and both are staying together. The purpose of respondents stands achieved and further continuation of removal of petitioner from service would not be in the interest of petitioner as well as his family members.

5. In view of above facts and circumstances, the present petition stands disposed of with a direction to the respondents to re-consider case of the petitioner and pass a fresh order within four weeks from today.

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

(JAGMOHAN BANSAL)
JUDGE

06.12.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>