

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

211

CWP-25739-2015 (O&M)

Date of Decision : 09.11.2023

Lakhwinder Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Vivek Sharma, Advocate
for the petitioner.

Mr. H.S.Oberoi, Central Govt. Counsel
for respondent No.1-UOI.

Mr. M.S.Dhami, Advocate for
Mr. Y.P.Singla, Advocate
for respondents No.2 and 3.

Mr. Brijesh Nandan, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 24.12.2014 (Annexure P-7) whereby appeal of the petitioner has been returned forming an opinion that appeal is not maintainable.

2. The petitioner was posted as Clerk with District Red Cross, Amritsar. The Deputy Commissioner-cum-President, District Red Cross vide order dated 11.11.2010 dismissed the petitioner from service. The petitioner was dismissed from service invoking Rule 5(9) of Punjab Civil Services (Punishment and Appeal) Rules. The petitioner preferred an

appeal against dismissal order in terms of 13 Indian Red Cross Society, Punjab State Branch, St. John Ambulance Association, Punjab State Centre, State Red Cross Hospital Welfare Section and Punjab Saket Rules, 1996.

Rule 13 of the said Rule read as :-

13. Discipline Penalties and Appeals

A. In the matter of discipline, punishment and appeals, employees in the service of the Society shall be governed by the Punjab Civil Services (Punishment & Appeal) Rules, 1970 as amended from time to time and endorsed by the Society from time to time.

B. The authority, empowered to impose penalties and the appellate authority in respect of the employees in the service of the Society shall be specified in Appendix 'B' to these Rules.

3. Learned counsel for the petitioner submits that the petitioner was dismissed from service invoking Punjab Civil Services (Punishment and Appeal) Rules, thus, appeal of the petitioner needs to be adjudicated in accordance with Punjab Civil Services (Punishment and Appeal) Rules.

4. Learned counsel for the respondents submit that District Red Cross Authority, Amritsar has framed its own rules and all the employees are governed by those rules. This Court finds that no such rules have been placed on record.

5. Both the parties are not clear about the rules which are governing service of the employees of Red Cross Society, Amritsar. Though, both the parties are unable to point out particular Rule which are governing service of the petitioner, nevertheless, appeal of the petitioner needs to be adjudicated in terms of Punjab Civil Services (Punishment and Appeal) Rules because petitioner was dismissed invoking Rule 5(9) of Punjab Civil Services (Punishment and Appeal) Rules. Once the petitioner

has been subjected to punishment invoking Punjab Civil Services (Punishment and Appeal) Rules, the respondents are bound to entertain and adjudicate appeal of the petitioner in terms of Punjab Civil Services (Punishment and Appeal) Rules. Thus, the respondents are directed to decide appeal of the petitioner in accordance with Punjab Civil Services (Punishment and Appeal) Rules.

- 6. The petition stands disposed of in above terms.
- 7. Pending applications, if any, shall also stand disposed of.

09.11.2023
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(JAGMOHAN BANSAL)
JUDGE

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