

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

CM-2370-LPA-2022 in/and LPA-989-2022 ( O&M )

Date of decision : 08.05.2023

Shiromani Gurudwara Parbandhak Committee

.....Appellant

Versus

Bhai Harmeet Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mrigank Sharma, Advocate,  
for the appellant.

Ms. Vanita Sapra Kataria, Advocate,  
for the respondent.

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**RAVI SHANKER JHA, CHIEF JUSTICE ( Oral )**

**CM-2370-LPA-2022**

For the reasons set out in the application, duly supported by  
an affidavit, delay of 7 days in filing the appeal is condoned.

Application is, accordingly, allowed.

**LPA-989-2022 ( O&M )**

1. This appeal has been filed by Shiromani Gurudwara Parbandhak Committee being aggrieved by an order and judgment dated 25.08.2022, whereby the learned Single Judge has allowed the writ petition (CWP-24891-2017) filed by Bhai Harmeet Singh (respondent herein) and quashed the order dated 31.07.2017 passed by the appellant authorities terminating the services of the respondent on the ground that a

video was circulated on social media showing him consuming liquor in 'ahata' (Tavern) with other persons where half filled glasses and a half filled bottle was lying on the table.

2. The learned Single Judge, taking note of the fact that the appellant has terminated the services of the respondent without conducting any enquiry or serving him with a charge sheet, quashed the order terminating his services. However, the appellant was granted liberty to conduct a regular enquiry, if so advised, and thereafter proceed further in the matter.

3. Learned counsel for the appellant submits that the learned Single Judge has failed to notice that respondent had admitted that he was sitting in 'ahata' (Tavern) with other persons who were consuming liquor. Therefore, he submits that once the mis-conduct was **admitted**, there was no requirement of holding a full-fledged departmental enquiry. Accordingly, it is urged that in view of the said **admission**, the order of termination of his services could not be set aside for want of conducting an enquiry. Learned counsel relied upon Rule 4 of the SGPC Regulations to submit that a person who is found consuming liquor can be terminated from service.

4. We have heard learned counsel for the parties and perused the record.

5. Concededly, the letter dated 07.10.2017 (P-2/A) written by the respondent to the SHO, Police Station Amritsar, forms basis of the order of termination of his services. A bare analysis of the said letter shows that all what the respondent had stated therein was that he had

certain matrimonial issues and to resolve the dispute, he was taken to 'ahata' (Tavern) by few of the relatives of his wife :

**“One day when I was coming together from my duty they called me in order to solve my domestic problem. They took me to Theka where already 2 persons were sitting and after making me sit there was another person with me and went away by making some excuse and got my false and baseless video along with liquor and scandalised me and got me dismissed from service therefore kindly hold inquiry into the matter. Justice may be given to me and legal criminal proceedings against them shall be initiated.”**

Apparently, the respondent denied the allegations/charges that were sought to be leveled against him. He rather prayed for a regular enquiry. Faced with this, learned counsel for the appellant concedes that there was/is no such admission by the respondent that he was consuming liquor. The mis-conduct prescribed in the Service Rules governing the SGPC employees is consumption of liquor and there is no admission by the respondent that he was consuming liquor. Thus, the learned Single Judge has rightly quashed the order of terminating the services of the respondent, which was passed without issuing show cause notice or serving a charge sheet and thereafter holding a regular enquiry. Quite apart from the above, it is also evident from a perusal of Rule 4 of the SGPC Regulations that any employee of the Shiromani Committee who is accused of consuming liquor has to be proceeded departmentally and for that purpose, a regular departmental enquiry has to be conducted.

6. In these circumstances, we do not find any merit in the appeal filed by the appellant. The liberty granted by the learned Single Judge is also in accordance with law and is, therefore, upheld.

7. Appeal is, accordingly, dismissed.

( RAVI SHANKER JHA )  
CHIEF JUSTICE

( ARUN PALLI )  
JUDGE

May 08, 2023  
ndj

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |