

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

CM-2807-LPA-2022 in/and LPA-1156-2022 (O&M)

Date of decision : 08.05.2023

Shiromani Gurudwara Parbandhak CommitteeAppellant

Versus

Bhai Dilbag SinghRespondent

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

Present: Mr. G.S. Sidhu, Advocate, for the appellant.

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

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-2807-LPA-2022

For the reasons set out in the application, duly supported by an affidavit, delay of 27 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-1156-2022 (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-23358-2017) filed by Bhai Dilbag 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 co-employee of the respondent, namely Bhai Harmeet Singh, had **admitted** that they were 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 respondent never admitted that he was consuming liquor. Evidently, there is no admission by the respondent to this effect. The mis-conduct prescribed in the Service Rules governing the SGPC employees is consumption of liquor. But as there was no admission by the respondent that he was consuming liquor, the learned Single Judge rightly quashed the order terminating the services of the respondent. Concededly, the services of the respondent were terminated

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.

6. Appeal is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 08, 2023
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No