

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29441 of 2022 (O&M)

Date of Order:09.05.2023

Paramjit Singh

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Anu Chatrath, Sr. Advocate, with
Mr. Nishant Maini, Advocate, for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

ANIL KSHETARPAL, J (Oral)

C.M.No.8173 of 2023

1. Allowed as prayed for.
2. Replication is taken on record.

MAIN

3. The petitioner herein is a retired Principal of Government College, Hoshiarpur. The Director Public Instructions (Colleges) Punjab, vide order dated 06.10.2022 directed the concerned branch of the Directorate to initiate the disciplinary proceedings against the petitioner on the allegations that the petitioner promoted and posted the certain employees unauthorizedly.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned senior counsel representing the petitioner contends that as per past practice the aforesaid employees were posted and adjusted but there was no order of promotion. She submits that the Director Public

Instructions should have given opportunity of hearing before ordering the

initiation of disciplinary proceedings against the retired employee.

6. Sh. Gandhi, the learned counsel representing the State submits that the petitioner can reply as and when a charge-sheet is issued to him.

7. As already noticed, the petitioner has retired from the government service. Thus, jural relationship between the petitioner and the government has come to an end. Undoubtedly, in certain exigencies the proceedings can be initiated, however, before taking such decision the competent authority was required to atleast grant an opportunity of hearing to the petitioner to explain his position.

8. Sh. Gandhi, the learned counsel representing the State has failed to draw the attention of the Court towards any circumstance that would permit the competent authority to avoid the principle of natural justice.

9. Keeping in view the aforesaid facts, following the last sentence of the order dated 06.10.2022, is set aside, while the rest of the order remains in effect.

10. However, it shall be open to the competent authority to pass a fresh order after granting an opportunity of hearing to the petitioner.

11. With these observations, the writ petition is disposed of.

12. All the pending miscellaneous applications, if any, are also disposed of.

May 09, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO