

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-28145-2023(O&M)

Date of decision : 20.12.2023

Sukhwinder Singh Kalsi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Krishan Singh Dadwal, Advocate
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the memorandum of charge sheet dated 26.08.2022, enquiry report dated 02.01.2023, order dated 13.06.2023, order dated 04.10.2023 and approval given by respondent no.5 dated 30.05.2023.

2. On 14.12.2023, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that the appeal filed by the petitioner under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 has been rejected vide order dated 04.10.2023 (Annexure P-24) by passing a single line order.

Learned State counsel prays for a short adjournment to get instructions in the matter.

Adjourned to 20.12.2023.

To be taken up after the urgent matters.

December 14, 2023”

3. Learned counsel for the petitioner has submitted that the

petitioner be given an opportunity of personal hearing before the appeal of the petitioner is decided.

4. Learned State counsel has got instructions in pursuance of the order dated 14.12.2023 and has submitted that the competent authority of respondent no.1-State would reconsider the appeal (Annexure P-23) filed by the petitioner and after hearing the petitioner and considering the pleas raised by the petitioner, would pass a speaking order.

5. Keeping in view the above said facts and circumstances, the present writ petition is partly allowed and the order dated 04.10.2023 (Annexue P-24) is set aside and the competent authority of respondent no.1-State is directed to reddecide the appeal (Annexure P-23) of the petitioner as expeditiously as possible, after granting an opportunity of hearing to the petitioner and after taking into consideration the pleas raised by the petitioner by passing a speaking order. Since the order dated 04.10.2023 has been set aside, consequential / subsequent order dated 29.11.2023 is also set aside.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

December 20, 2023.
Davinder Kumar

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