

2023:PHHC:164177-DB
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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LPA-2136-2023 (O&M)
Date of decision: 20.12.2023

Mehtab Singh

..Appellant

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Parvesh K. Saini, Advocate for the appellant.

Ms. Lavanya Paul, DAG, Punjab.

RITU BAHRI, ACTING CHIEF JUSTICE (Oral)

The appeal is being filed against impugned order dated 12.12.2023 passed by the Learned Single Judge.

Learned counsel for the appellant contends that vide order dated 12.12.2023, application of the appellant has been dismissed only on the ground that third prayer made in the writ petition could not have been examined in a case where the prayer is to challenge the order of termination passed by the Jail Department and is misjoinder of cause of action.

A perusal of the prayer made by the appellant in writ petition at page 30 of the paper book shows that appellant had sought quashing of the termination order dated 23.06.2020 (Annexure P7) passed by respondent No.4 and order dated 12.10.2020 (Annexure P9) passed by respondent No.3 whereby regular services of the appellant being a Warder have been terminated without giving him any opportunity of hearing.

Even if the appellant had made a third prayer against respondent No.4 and 5 where he was working as a Physical Education Master then they should not be terminated his services and his third prayer could have to be examined by the Learned Single Bench as termination order of regular employee without issuing show cause notice in itself was against rules. Accordingly, the present appeal is allowed; order

dated 12.12.2023 is set aside; and the matter is send back to Learned Single Bench to

examine the issue of termination orders passed by respondent Nos.3 and 4 without going into the third prayer made by the appellant.

All the pending application(s), if any, also stands disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

20.12.2023
ashok

(AMAN CHAUDHARY)
JUDGE

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