

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

115

CWP-3474-2023

Date of Decision: 30.01.2024

Surender Kumar

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Aditya Yadav, Advocate
for the petitioner.

Mr. Shivoy Dhir, Sr. Panel Counsel
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 05.08.2022 whereby appeal of the petitioner has been rejected. The petitioner is further seeking setting aside of order dated 19.01.2010 (Annexure P-3) whereby the petitioner was terminated from the post of Driver in CRPF.

2. Learned counsel for the petitioner submits that the petitioner has been dismissed from service on the ground that he has furnished fake/forged driving licence at the time of his appointment as Driver in CRPF. The respondent did not conduct proper enquiry and without associating him concluded that driving licence was fake/forged. If the petitioner is granted an opportunity of personal hearing, he

would be able to prove that driving licence produced at the time of appointment was genuine and it was issued by competent authority.

3. Learned counsel for the respondents submits that the petitioner was dismissed from service in 2010 and he filed appeal on 10.05.2021 which was hopelessly barred by limitation. The petitioner never made correspondence with department after 2010 which shows that appeal was never filed before May’ 2021.

4. Without commenting upon question of date of filing of appeal, the present petition stands disposed of with a direction to appellate authority to pass afresh order after granting opportunity of hearing to the petitioner. It is made clear that appellate authority would be free to consider question of date of filing appeal as well as limitation.

(JAGMOHAN BANSAL)
JUDGE

30.01.2024
anju

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>