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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6097-2019
Date of decision: 05.11.2024

BHUPENDER KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

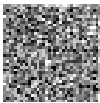
Present:- Mr. Pankaj Sharma, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate
for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. Learned counsel for respondents No.2 and 3 has brought the record of the Executive Committee in pursuance of the order passed by this Court on 18.10.2024 and the Managing Director of the respondent-Corporation was also a part of the Executive Committee. He has however submitted that liberty may be granted to the Executive Committee to pass a fresh order in accordance with law, in which the Managing Director of the respondent-Corporation would not be a member.
2. Learned counsel for the petitioner submitted that in case such a liberty is granted then regarding the same, a time bound direction may be issued



and a direction may also be issued for granting adequate opportunity of hearing to the petitioner to present his case.

3. In the aforesaid facts and circumstances, one of the grounds taken by the learned counsel for the petitioner during arguments was that the punishing authority who was the Managing Director of the respondent-Corporation was also a member of the appellate authority although by designation, the same is hit by the doctrine of bias.

4. In view of the above, the present writ petition is partly allowed. The impugned order dated 03.07.2018 (Annexure P-9) passed by the appellate authority is hereby set aside. The Executive Committee shall now pass a fresh well reasoned speaking order in appeal by applying fresh application of mind after giving adequate opportunity of hearing to the petitioner or his counsel, within a period of three months from today in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

05.11.2024
Chetan Thakur

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