

(106)**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-487-2023 (O&M)

Date of decision : 21.02.2024

Devender Singh Malik

.....Appellant

Versus

Haryana Power Generation Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE LAPITA BANERJI

Present: None.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)**CM-1328-LPA-2023**

In view of the averments made in the application, duly supported by an affidavit of the appellant, delay of five (05) days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-487-2023 (O&M)

1. This appeal has been adjourned since 28.04.2023 on several occasions. In the morning session, a request was made for accommodation and pass-over was sought. Learned proxy counsel had submitted that the arguing counsel will be present. None has come present on second call.

2. The present appeal is for consideration of the order dated 10.02.2023 passed by the learned Single judge in CWP No. 17338 of 2017. A perusal of the order would go on to show that apparently, the challenge by the appellant was to his suspension order dated 25.02.2016 (Annexure P-6), enquiry report dated 05.12.2016 (Annexure P-7) and the show cause notice dated 28.06.2017 (Annexure P-8). On the basis of the said enquiry report, there was a decision to impose a penalty of dismissal from service.

3. The learned Single Judge has found that though there was delay of 3 ½ months in issuing the charge sheet, but it had not prejudiced the appellant in any manner. Reliance was placed upon a decision of the Apex Court in *State of A.P. Vs. N. Radhakishan, (1998) 4 SCC 154*. The learned Single Judge noticed that the attempts to deliver the charge sheet to the appellant did not succeed and he refused in writing to accept the documents. He did not make any representation to the Enquiry Officer to give him a copy of charge sheet and therefore, the Enquiry Officer continued with the proceedings. It was held that the charge sheet was served upon the appellant through his wife. It has also been noticed that the appellant was called to attend the departmental proceedings on four different occasions also and, therefore, the learned Single Judge did not interfere with the same and dismissed the writ petition. Lastly, it has been observed that the appellant would be at liberty to reply to the show cause notice, if he so desires, within a period of two weeks from the date of receipt of certified copy of the order.

4. Period of almost one year has gone-by, since the passing of the order by the learned Single Judge. Apparently, the appellant has lost interest in the litigation and the proceedings would have culminated in pursuance of the

said show cause notice. In such circumstances, we do not find any ground as such to keep the matter pending.

5. Accordingly, the appeal is dismissed in *limine*.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

February 21, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No