

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

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CWP-16908-2017 (O&M)

Date of Decision: 22.02.2024

Bhai Lakhwinder Singh

..... Petitioner

Versus

Shiromani Gurdwara Prabandhak Committee, Amritsar, District Amritsar
and others.

..... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Pannu, Advocate for
Mr. Vikas Singh, Advocate
for the petitioner.

Ms. Tuneet Walia, Advocate
for the respondents.

NAMIT KUMAR, J.(ORAL)

Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari seeking quashing of the impugned order dated 28.05.2015 (Annexure P-5), whereby the petitioner has been dismissed from service as well as the resolution dated 22.03.2016 (Annexure P-11), whereby the appeal of the petitioner has been rejected as informed vide letter dated 02.01.2017 (Annexure P-10) and the petitioner may be reinstated in service, along with all consequential benefits, including continuity of service and full back wages.

2. Learned counsel for the petitioner submits that apart from other grounds, which have been taken in the writ petition, one of the ground is to

challenge the order dated 22.03.2016, whereby his appeal has been rejected by passing a cryptic and non-speaking order, which is unsustainable and bad in law and in violation of the principles of natural justice. The Appellate order dated 30.03.2016 reads as under :

“Bhai Lakhwinder Singh former Sewadar (son of S.Sham Singh), Shri Darbar Sahib, Amritsar who left his duty on 17.12.2013 before time with intimation and the officers found him in an inebriated condition (on the way), caught on spot, he confessed in a written statement about being drunk and causing disrespect to the Gurudwara Sahib and the institution and under these charges vide order No. 4013 dated 18.12.2013 of this office he was suspended from duty. Thereafter, the Sub Committee after hearing him, held that being an Amritdhari Sikh and employee of religious institution, he consumed liquor and in this way, caused disrespect to administration of Gurudwara Sahib Charges were framed and report prepared and he was terminated from his services vide a reasoned order No. 1189 dated 27.5.2015 of this office. Now he has filed an appeal through his lawyer to the executive committee against the order of his termination and the same upon hearing being put up, is rejected.”

3. He further submits that none of the points raised in the detailed appeal dated 04.01.2016 (Annexure P-7), have been considered on merits, while rejecting the appeal. He further submits that the petitioner had earlier filed CWP No. 21387 of 2016, which was disposed of by this Court vide order dated 17.10.2016 with a direction to respondent No.2 to decide the appeal.

4. I have heard learned counsel for the parties and perused the record.

5. Since the Appellate order is totally cryptic and non-speaking

being unsustainable in law, therefore, the same is hereby set aside and the matter is remanded back to the Appellate Authority to take a fresh decision, after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of certified copy of this order.

- 6. The petition stands disposed of in the above terms.
- 7. All pending application(s), if any, shall also stand disposed of.

(NAMIT KUMAR)
JUDGE

22.02.2024
Satyawar

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No