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

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Date of Decision :17.07.2024

Baljinder Singh**...Petitioner****Versus****Punjabi University, Patiala and another****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate and Ms. Alisha Sharda, Advocate
for the petitioner.

Mr. Premjit Singh Hundal, Advocate
for respondent-University.
(keeping in view advance copy served.)

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Harsimran Singh Sethi, J. (Oral)

In the present petition, challenge is to order dated 09.07.2024 (Annexure P/11) passed by the respondents by which, the petitioner has been dismissed from service while working on the post of Junior Technical Assistant in the Workshop Mechanic Department on the ground that the petitioner had submitted bogus certificate of experience while seeking appointment.

Learned Senior counsel appearing for the petitioner inter alia argues that in order to substantiate the alleged misconduct, the respondents have conducted a departmental enquiry and on the basis of the enquiry report given by the Enquiry officer, the impugned order dated 09.07.2024



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(Annexure P/11) has been passed without giving opportunity to the petitioner to raise the objections qua the grounds taken by the Enquiry Officer so as to prove the allegations alleged against the petitioner.

Learned Senior counsel appearing for the petitioner further submits that as per the settled principle of law settled by the Hon'ble Supreme Court of India in **Managing Director, ECIL, Hyderabad Vs. B. Karunakar, 1993(4) SCC 727**, an enquiry report is must to be given to a delinquent official for his/her comments before accepting the same or taking any action based upon the said enquiry report hence, the non-adherence of the said procedure has not only violated the principle of natural justice but is also against the settled principle of law and hence, impugned order dated 09.07.2024 (Annexure P/11) cannot be sustained in the eyes of law.

Notice of motion.

Mr. Premjit Singh Hundal, Advocate, accepts notice on behalf of respondent-University.

Learned counsel for the respondent-University on instructions from Prof. Ashok Kumar Tiwari, Registrar concedes qua the arguments raised on behalf of the petitioners that enquiry report was not given to the petitioner before the same was acted upon so as to pass the impugned order dated 09.07.2024 (Annexure P/11).

Learned counsel for the respondent-University submits that impugned order dated 09.07.2024 (Annexure P/11) be treated as withdrawn with liberty to the respondent-University to pass an appropriate fresh order in accordance with law after giving enquiry report to the petitioner and seeking his comments and thereafter, to decide whether to accept the



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enquiry report and if yes, what order needs to be passed as a punishment.

Learned Senior counsel appearing for the petitioner submits that as the impugned order dated 09.07.2024 (Annexure P/11) has been withdrawn, grievance of the petitioner stands redressed but respondents be directed to allow the petitioner to continue in service as there is no order terminating the services of the petitioner.

Learned counsel for the respondent-University submits that as the impugned order dated 09.07.2024 (Annexure P/11) has been withdrawn with liberty to the respondents to pass fresh order therefore, till any fresh order is passed by the respondent-University, the petitioner will be allowed to continue in service.

Keeping in view above, as prayed for, present petition has been rendered infructuous and the same is disposed of as such.

July 17, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/Nor