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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26804-2016

Date of Decision:20.03.2024

SUKHVINDER SINGH

..... Petitioner

Versus

UNION OF INDIA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sarabjeet Khaira, Advocate
for the petitioner.

Mr. Vipul Aggarwal, Senior Panel Counsel
for respondent No.1.

Mr. P.K. Mutneja, Senior Advocate and
Ms. Suverna Mutneja, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. On 04.07.2023, the following order was passed:

“Learned counsel for the petitioner inter alia contends that order dated 29.07.2016 has been passed by Senior Deputy General Manager (Services) whereby punishment was awarded to the petitioner whereas order dated 08.10.2016 i.e. appellate order has been passed by Manager (HR&A). The appeal was filed before Chairman-cum- Managing Director in terms of Rules governing appeal whereas order has been passed by Manager who is junior in rank to disciplinary authority. It is settled proposition of law that appellate authority cannot be lower in rank than the adjudicating/disciplinary authority.

On being confronted with aforesaid fact, learned

counsel for the respondents seeks time to address the arguments.

Adjourned to 14.07.2023.”

2. Mr. P.K. Mutneja, Senior Advocate during the course of hearing produced original record disclosing that competent authority i.e. Chairman cum Managing Director had decided appeal of the petitioner. Manager (HR&A) had simply communicated order of competent authority. In the impugned communication, the complete order passed by competent authority has been produced. He fairly concedes that order passed by competent authority, as such, has not been communicated and it would be supplied within a week to petitioner.
3. Faced with this, Mr. Sarabjeet Khaira, Advocate does not press the present petition and seeks liberty to avail remedies against order passed by competent authority.
4. Disposed of as not pressed with aforesaid liberty.

(JAGMOHAN BANSAL)
JUDGE

20.03.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>