



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17450-2024(O&M)
Date of decision: 05.09.2024

Jagwant Kaur ...Petitioner
Versus
Punjab and Haryana High Court and others
....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Sanjeev Sharma, Senior Advocate with
Ms. Shubhreet Kaur, Advocate for respondent Nos. 1 & 2.

Respondent No. 3 in person.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Articles 226/227 of the Constitution for issuance of a writ in the nature of *certiorari* for quashing of inquiry report dated 19.04.2024 (P-4) vide which the petitioner was held to be guilty in a totally illegal and arbitrary manner and for further quashing of order dated 12.07.2024 (P-7) vide which respondents inflicted punishment of reversion on the petitioner, from the post of Senior Assistant to Clerk.

(2) Written Statement dated 31.08.2024 on behalf of respondent Nos. 1 & 2 has been filed, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.

(3) Relevant part of paragraph No. 3 of the above written statement is reproduced as under:-

“3. That Rule 14 of the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 also provides for appeal. The same is reproduced for ready reference:-

14. APPEAL



Appellate Authority:

(1) An appeal shall lie to the High Court against order of a District and Sessions Judge imposing any penalty and such appeal may be disposed of the Chief Justice or a Judge nominated by him in this behalf.

(2) XXX

A. Orders against which no appeal lies:

XXX

B. Subject to the provisions of rule 14A, a member of service may prefer a appeal against all or any of the following orders, namely:-

(i) An order of punishment passed by the District and Sessions Judge inflicting penalties mentioned in rule 12(2) IV A to IX.

(ii) XXX

(iii) XXX”

(4) Perusal of the above extract reveals that petitioner has statutory remedy of appeal available on the administrative side.

(5) Faced with the above predicament, learned counsel for the petitioner on instructions wishes to withdraw the present petition with liberty to file statutory appeal on the administrative side.

(6) Disposed off accordingly.

(7) Needless to say that interim arrangement shall come to an end automatically.

Pending application(s), if any, shall also stand disposed off.

05.09.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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