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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26105-2018 (O&M)
Date of Decision: 13.08.2024

Pal Singh (Retd.)

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parmod Chauhan, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Padamkant Dwivedi, Advocate, for respondents No.2 & 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present case was earlier heard with *CWP-19107-2018* but considering the facts of the case, the same is segregated from the aforesaid case i.e. *CWP-19107-2018*.
2. At the outset, learned counsel appearing on behalf of the respondent-Corporation has submitted that the punishment order has been passed against the petitioner pertaining to a charge-sheet which was issued to the petitioner prior to his retirement and against the punishment order, the petitioner has not filed any appeal. He also submitted that in case the petitioner files any appeal before the Board of Directors, then the same will be decided on



its merits and will not be dismissed only on the ground of limitation. He also submitted that since there was a stay of the recovery by passing of an interim order by this Court, the respondent-Corporation will not recover any amount from the petitioner till the final decision of the appeal.

3. Learned counsel for the petitioner has submitted that in view of the aforesaid specific statement made by learned counsel for the respondent-Corporation, the present petition can be disposed of accordingly. He submitted that since the petitioner is suffering from illness, some time frame work may be fixed in this regard.

4. In view of the above, the present petition is disposed of. Liberty is granted to the petitioner to file an appeal before the Board of Directors against the order of punishment within a period of one month from today. In the event of the petitioner filing any such appeal before the Board of Directors, then the Board of Directors shall decide the same within a period of two months thereafter after giving an adequate opportunity of hearing either to the petitioner or his counsel. It is also made clear that in view of the statement made by the learned counsel for the respondent-Corporation, the appeal shall be decided on merits since the petitioner has been prosecuting the present case which is now being disposed of because of the availability of the alternate remedy and therefore, the plea of limitation will not come in the way. It is further directed that in view of the statement made by the learned counsel for the respondent-Corporation, no recovery shall be effected from the petitioner till the final disposal of the main appeal.



5. It is also made clear that in case the appeal is not filed within a period of one month from today, then the aforesaid order pertaining to recovery shall not be operated.

13.08.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No