

Neutral Citation No:
CWP-20971-2024(O&M)

2024PHHC126601



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-20971-2024(O&M)
Decided on:30.09.2024

R.K. Goel, Chief Engineer (Retd.)

.... Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Suman Jain, Advocate and
Mr. Rishab Jain, Advocate for the petitioner.

SANJAY VASHISTH, J.(Oral)

CM-16080-CWP-2024 and
CM-16081-CWP-2024

(i) Present application has been filed under Section 151 C.P.C., for placing on record the copy of the Punjab Irrigation Department (Group A) Service Rules, 2004 as Annexure P-15 and the Punjab Government notification No.9369-G-S-I/681 dated 12.02.1952 as Annexure P-16. Further seeking exemption from filing the certified copies of the same.

(ii) For the reasons enumerated in the applications, same are allowed and the documents are taken on record as Annexure P-15 and P-16. Registry is directed to tag the same at appropriate place in the paper-book.

(iii) Applications stand disposed of.



CWP-20971-2024

1. Petitioner-R.K. Goel, Chief Engineer (Retd.) has filed the instant writ petition seeking issuance of directions to respondents to decide the representation dated 18.07.2022 (Annexure P-7) in accordance with law, which is pending before the Appellate Authority-respondent No.2.

2. Mr. Suman Jain, learned counsel for the petitioner submits that the department had imposed the punishment of 10 % cut for five years in the pension. Thereafter, the petitioner challenged the impugned order and filed CWP-9262-2015, which was disposed of vide order dated 31.05.2022 by this Court by noticing that impugned order is appealable under Section 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1971.

For reference, order dated 31.05.2022 passed in CWP-9262-2015 is reproduced herebelow:

*“ Present: Mr. Salil Bali, Advocate for the petitioner.
Mr. Navdeep Chhabra, DAG, Punjab.*

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that as the order impugned is appealable under Section 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1971, the present petition may kindly be disposed off having been not pressed any further with liberty to the petitioner to avail an alternative remedy.

Ordered accordingly.

It is made clear that as the petitioner was pursuing the present remedy, the appeal, if any preferred by the petitioner be decided on merits.”

3. Mr. Suman Jain, learned counsel for the petitioner further points out that the petitioner thereafter filed an application bearing CM-9166 of



2024 and same was disposed of vide order dated 01.07.2024, whereby it was ordered that alongwith the words ‘appeal/appealable’ the word ‘review’ be also read, as already observed in the earlier order dated 31.05.2022 passed in CWP-9262-2015.

4. Mr. Suman Jain, learned counsel for the petitioner further refers to paragraph No. 35 of the instant writ petition, wherein the order passed in CM-9166-2024 dated 01.07.2024 is reproduced. The extracted form is reproduced herebelow:

“ In the present application, the prayer of the applicant is that alongwith the words ‘appeal/appealable’ the word ‘review’ should also be mentioned so that there is no ambiguity in approaching the respondents under Section 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1971 for the redressal of the greivance.

Notice of the application.

On the asking of the Court, Mr. Gagneshwar Walia, Addl. Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection to the grant of prayer as made in the present application.

In continuation of the order dated 31.05.2022, it is noticed that along with the words ‘appeal/appealable’ the word ‘review’ be read.

Application is disposed of.”

5. Learned counsel for the petitioner further submits that the representation filed by the petitioner can be disposed of by the department in terms of the already passed directions vide orders dated 31.05.2022 and 01.07.2024.

6. Notice of motion.

7. Mr. D.S. Lamba, DAG, Punjab, accepts notice on behalf of respondents/State and submits that he has no objection in case the petition is disposed of by issuing directions to the respondents to decide the already filed representation dated 18.07.2022 (P-7) in accordance with law.

8. Taking into consideration the factual aspect that the petitioner filed his representation dated 18.07.2022 in pursuance to the order dated 31.05.2022 passed by this Court in CWP-9262-2015, same can be considered and disposed of by the Department either way, in accordance with law and rules applicable.

Therefore, **the present writ petition is disposed** of directing the respondents to decide the representation dated 18.07.2022 (P-7) (sent through registered post dated 25.07.2022) finally, in accordance with law within a period of six months from today.

30.09.2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable?	Yes/No