



CWP-20877-2024 (O&M)
Date of Decision : 28-08-2024

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Divyansh Vats, Advocate for
Mr. H.S Batth, Advocate
for the respondent-Punjabi University.

In the present petition, the grievance being raised by the 1. petitioner is that the petitioner has been dismissed from service vide impugned order dated 23.07.2024 (Annexure P-8) while working on the post of Senior Assistant.

Learned counsel for the petitioner, inter-alia, submits that the order of dismissal is based upon the departmental enquiry and the enquiry report, on the basis of which the said order has been passed, was never supplied to the petitioner and without giving any opportunity to the petitioner to raise objection qua the findings in the enquiry report, the same has been accepted and action has been taken against the petitioner, which is contrary to 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, hence, the impugned order cannot be sustained in the eyes of law.

Notice of motion.

Mr. Divyansh Vats, Advocate for Mr. H.S Batth, Advocate appears and accepts notice on behalf of the respondent-University.

Learned counsel appearing on behalf of the respondent-University on instructions from Professor Ashok Kumar Tiwari, Registrar submits that the impugned order dated 23.07.2024 (Annexure P-8) dismissing the petitioner from service be treated as withdrawn with liberty to pass a fresh order after following the due process by furnishing the enquiry report to the petitioner and after considering the objections, the fresh order will be passed in accordance with law as required keeping in view the facts and circumstances of the present case.

Learned counsel appearing on behalf of the petitioner submits that as the impugned order dated 23.07.2024 (Annexure P-8) has been withdrawn, the present petition be disposed of having been not pressed with liberty to agitate in case, any prejudice is caused to the petitioner either on account of the order withdrawn or on account of fresh order to be passed in the departmental enquiry.

Ordered accordingly.

As the impugned order has been withdrawn, the petitioner will be placed on the same status as he was enjoying prior to the passing of the impugned order.

28-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO