



CWP-21147-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(131)

CWP-21147-2024

Date of Decision : August 29, 2024

Bhupinder Singh

.. Petitioner

Versus

Punjabi University Patiala

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr. Divyansh Vats, Advocate, for
Mr. H.S. Batth, Advocate, for respondent-University.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present petition, the grievance being raised by the petitioner is that the petitioner has been dismissed from service vide impugned order dated 23.07.2024 (Annexure P-9) while working on the post of Technical Assistant (Data Entry Operator).

2. Learned counsel appearing on behalf of 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 action has been taken to pass the impugned order, was never supplied to the petitioner and without giving any opportunity to the petitioner to raise objection qua the findings in the enquiry report straightaway 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

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727, hence, the impugned order cannot be sustained in the eyes of law.

3. Notice of motion.

4. Mr. Divyansh Vats, Advocate appears and accepts notice on behalf of the respondent-University.

5. Learned counsel appearing on behalf of the respondent-University, on instructions from Prof. Ashok Kumar Tiwari, Registrar, submits that the impugned order dated 23.07.2024 (Annexure P-9) dismissing the petitioner from service be treated as withdrawn with liberty to pass a fresh order after following the due process by furnishing the enquiry report to the petitioner and after considering the objections, the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.

6. Learned counsel appearing on behalf of the petitioner submits that as the impugned order dated 23.07.2024 (Annexure P-9) has been withdrawn, the present petition be disposed of having been not pressed with liberty to agitate in case, any prejudice is caused to the petitioner either on account of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.

7. Ordered accordingly.

8. 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.

August 29, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No