

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

103

**2024:PHHC:006104
CWP No.28060 of 2023
Date of Decision:18.01.2024**

Mukesh Bansal

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jagtar Singh Sidhu, Advocate
for the petitioner

Ms. Neha Jaggi, Senior Panel Counsel
for the Union of India

Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to re-issue him passport.

2. Counsel for the petitioner *inter alia* contends that police after completing investigation has already presented challan in FIR No.75 dated 27.05.2016. He further submits that in view of Notification No. 570 dated 25.08.1993, the petitioner may be issued passport.

3. As per afore-cited notification, trial court is court of competent jurisdiction to issue direction to passport authority where challan has already been presented.

4. Faced with this, counsel for the petitioner seeks permission to withdraw the instant petition with liberty to approach trial court in terms of afore-cited Notification.

5. Dismissed as withdrawn with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

18.01.2024
paramjit

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

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

104

**2024:PHHC:006118
CWP No.28630 of 2023
Date of Decision:18.01.2024**

Jagjit Singh

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Pratula Sethi, Advocate
for the petitioner (through VC)

Ms. Ruchita Garg, Central Govt. Counsel
for the Union of India

Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 3 to re-issue him passport.

2. The petitioner was issued passport which was valid upto 25.11.2020. Three FIRs came to be registered against the petitioner. The petitioner has already been acquitted in FIR No. 4 dated 10.01.2014 and FIR No. 152 dated 24.09.2016. The petitioner was convicted in FIR No.95 dated 02.07.2013. The petitioner was released on probation and fine of Rs. 10,000/- was imposed which he has already paid.

3. Ms. Ruchita Garg, counsel for Union of India submits that petitioner has been issued show cause notice as there is adverse police verification report.

4. Mr. Inderpreet Singh Kang, AAG, Punjab, on instructions from ASI OM Parkash, submits that petitioner was acquitted in FIR No. 152 dated 24.09.2016 vide judgment dated 15.09.2023 whereas police verification report was submitted much prior to said date, thus, adverse report was forwarded.

5. Faced with this, counsel for Union of India submits that petitioner may be directed to appear before the passport authority alongwith requisite documents. Thereafter, the passport authority would pass an appropriate order within six weeks.

6. Learned counsel for the petitioner agrees to the aforesaid arrangement.

7. In the wake of statements of both sides, the petition stands disposed of with a direction to petitioner to appear before the passport authority on 13.02.2024 alongwith requisite documents. On doing so, the passport authority would pass an appropriate order within six weeks from 13.02.2024.

(JAGMOHAN BANSAL)
JUDGE

18.01.2024

SANDEEP SINGH AND ANOTHER

VS

UNION OF INDIA AND OTHERS

Present: Mr. R.D.Bawa, Advocate
Mr. Randhir Bawa, Advocate
Mr. Samuel Gill, Advocate
for the petitioners
Ms. Gehna Vaishnavi, Central Govt. Counsel
for the Union of India

CM-11940-CWP-2021

The applicants-respondents through instant application are seeking to place on record reply in CM No. 3115-CWP-2021.

Allowed as prayed for.

Reply to CM No. 3115-CWP-2021 is taken on record. Registry is directed to tag the same at appropriate place.

Main case

Mr. R.D.Bawa, Advocate, submits that case of the petitioner is squarely covered by judgments of Gauhati High Court in **Pramod Singh and others vs. The Union of India and others WP(C) 3756/2009** and **Ghanashyam Vishwakarma vs. The Director General, Boarder Roads Organisation and others WP No. 51 of 2009**. The respondents vide communication dated 25.10.2013 have implemented judgments of Gauhati High Court. In the said communication, it has been specifically clarified that benefit of the judgment would be available to all the similarly situated non diploma holders. The respondents have extended benefit of re-fixation of pay in terms of recommendations of the 5th and 6th Pay Commission even to non diploma holders whereas petitioners are three years Diploma holders

in the Engineering. The petitioners were appointed against posts for which ITI was also one of the minimum prescribed qualification.

The qualification prescribed for the post of Draughtsman GDE-II(Civil) is as below:-

Essential Qualification: <i>Passed 03 years Certificate / Diploma in Architecture / Draughtsmanship from a Recognized institution or equivalent</i>
OR
<i>Possessing National apprenticeship Certificate issued by National Council for Vocational Training, Government of India, Ministry of Labour</i>
OR
<i>Passed Diploma Course in Draughtsman Estimating and Design from College of Military Engineering, Pune.</i>
OR
<i>Passed 2 years National Trade certificate for Draughtsman (Civil) and having one year practical experience in the trade.</i>

The respondents in the reply have repeatedly pointed out that for recruitment to the post of Draughtsman Grade II prescribed qualification is two years certificate from ITI.

The reply as well as stand of the respondents during the course of arguments seems to be contrary to the judgments of Gauhati High Court, communication dated 25.10.2013 of the respondents and essential qualification prescribed for the post of Draughtsman.

Faced with this, learned counsel for respondents seeks time to get instructions.

Adjourned to 01.02.2024.

To be shown in the urgent list.

(JAGMOHAN BANSAL)
JUDGE

18.01.2024

paramjit

BALJEET SINGH**VS****NATIONAL INSURANCE COMPANY LTD AND ORS**

Present: Mr. J.S.Maaniipur, Advocate
for the petitioner

Mr. V.Ramswaroop, Advocate
for respondents

The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 30.09.2016 (Annexure P-6) whereby he has been awarded punishment of reduction of basic pay by ten stages.

The punishment has been awarded on account of unauthorised absence from duty. The petitioner concededly remained absent from duty for 700 days during the period from 1996 to 2013. The said period was considered as loss of pay period.

As per counsel for the petitioner, the absence period has been treated by respondents as loss of pay period, thus, he cannot be subjected to further punishment of reduction of basic pay by ten stages. The petitioner in support of his contention relies upon judgment of a Co-ordinate Bench of this Court in **Surinder Singh vs. State of Punjab and others. 2007(3) S.C.T. 288.**

Mr. V. Ramswaroop, counsel for respondents submits that unauthorised absence from duty amounts to mis-conduct and as per regulations of respondents, an employee may be subjected to minor or major

punishment for absence from duty besides non-payment of salary for the period of absence. He seeks time to produce relevant regulations.

Adjourned to 23.01.2024.

To be shown in the urgent list.

(JAGMOHAN BANSAL)
JUDGE

18.01.2024
paramjit

