



LPA-3028-2024 (O&M)

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

Sr. No.113

LPA-3028-2024 (O&M)
Date of decision: 29.11.2024

Brij Bhushan and others

....Appellants

Versus

The Punjab Agro Industries Corporation and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Tahaf Bains, Advocate, for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

1. The appellants had petitioned this Court to challenge therein the disciplinary proceedings initiated against them by the respondent – Corporation.

2. When the appellants' writ petition came up for hearing before a learned Single Judge of this Court, learned counsel appearing for the appellants sought withdrawal of the appellants' writ petition with grant of liberty to them to approach the disciplinary authority through raising of objections to the charge-sheets served upon them. Such prayer was made in the light of the fresh norms dated 22.10.2021 and 30.05.2022 circulated by the Indian Council of Agricultural Research (ICAR).

3. Through the impugned order passed by the learned Single Judge, the prayer made on behalf of the appellants was accepted and they were permitted to withdraw their petition with liberty to file objections to the charge-sheets served upon them.

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4. The petitions of similarly placed appellants who did not withdraw their petitions were then heard and dismissed by the learned Single Judge primarily on the ground that their petitions were premature as the disciplinary proceedings challenged by them were at a preliminary stage. Those petitioners then filed an intra court appeal which was disposed of by a Coordinate Bench by remanding the matters back to the learned Single Judge for decision on their petitions on merits. At that juncture, the appellants filed an application before the learned Single Judge seeking therein recalling of the order passed by the learned Single Judge on 24.05.2024 permitting the appellants to withdraw their petition with liberty to them to file objections to the charge-sheets served upon them.

5. Through order dated 07.11.2024, the learned Single Judge dismissed the appellants' recalling application primarily on the ground that in terms of the liberty granted to the appellants on 24.05.2024 the appellants had already filed their objections to the charge-sheets served upon them and therefore, now could not turn around seeking recalling of the order dated 24.05.2024.

6. Before us, the appellants have challenged the order of the learned Single Judge dated 24.05.2024 through which the appellants, on their request, were permitted to withdraw their writ petition with liberty to file objections to the charge-sheets served upon them. Also under challenge is the order of the learned Single Judge dated 07.11.2024 dismissing the applications filed by the appellants seeking recalling of the order dated 24.05.2024.



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7. After arguing the matter for sometime, learned counsel for the appellants submits that in terms of the liberty granted to the appellants by the learned Single Judge on 24.05.2024, the appellants had filed objections to the charge-sheets served upon them but without taking any decision thereupon the enquiry officer is proceeding with the enquiry. Therefore, he be permitted to withdraw the present appeal with liberty to the appellants to take recourse to their legal remedy which the appellants may have, in accordance with law, against the inaction on the part of the respondents to proceed with the disciplinary proceedings against the appellants without first deciding their objections filed by them to their charge-sheets.

8. Dismissed as withdrawn with liberty as prayed for.

9. It may be clarified that while granting the liberty as above, we have not expressed any opinion on the maintainability or on the merits of the remedy that the appellants may take recourse to.

10. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

November 29, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No