



CWP-8649-2002

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

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CWP-8649-2002 (O & M)
Date of decision: 28.02.2025

Paramjit Kaur

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S.Bal, Sr. Advocate with
Mr. Laxman Chaudhary, Advocate,
for the petitioner.

Mr. Arun Gupta, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is directing the respondents to exonerate deceased-Manjit Singh of the charges levelled against him and grant all consequential benefits to his family i.e. pension, provident fund, gratuity, leave encashment and compassionate appointment to his wife.

2. The husband of the petitioner, who was appointed as a Steno-typist on 19.10.1988 under handicapped quota, Annexure P-1, was issued a charge-sheet dated 20.07.1995, Annexure P-9, alleging therein that he had forged the medical certificate and upon inquiry, he was found guilty and thereafter, the Punishing Authority, vide order dated 30.11.1999, dismissed him from service, against which he filed an appeal specifically mentioning in paras 3 and 4 the fact of he having appeared before the Civil Surgeon, Kapurthala, on 31.01.1988, when the medical



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certificate of fitness on first entry into govt. service under Rule 3.1 of CSR was issued, showing him to be physically handicapped from right leg, besides this, the medical certificates dated 2.1.1989, 10.7.1989 and 12.10.1995, Annexures B, C and D, showing his disability to be 63% were also issued. However, the Appellate Authority without taking into consideration the aforesaid grounds and documents, on 31.12.2001, Annexure P- 23, rejected the appeal without assigning any reasons. Furthermore, the husband of the petitioner unfortunately passed away on 24.10.2000, a fact that has been noticed in para 5 of the above order, and in terms of the instructions dated 23.06.1992, Annexure P-25, in case a delinquent employee expires during pendency of the disciplinary proceedings, he would be exonerated and the said case will stand closed entitling the dependents to the family pension and other benefits. The appeal, being a continuation of proceedings as observed in **Mallavva & Anr. vs. Kalsammanavara Kalamma (since dead) by legal heirs & Ors.**¹, learned Senior counsel prays for reconsideration of the matter taking a sympathetic view.

3. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the Appellate Authority shall re-examine the case and decide afresh, taking note of the afore submissions made above, within a period of 4 months, uninfluenced by the orders impugned in the present case, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.



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4. The matter stands disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same may be passed after granting opportunity of hearing to him and shall contain reasons, whereupon he shall be free to seek legal redress thereupon.

28.02.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No