

**CWP-14181-2025****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****117****CWP-14181-2025****Date of Decision: 16.05.2025****Harmesh Singh****...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Nakul Sharma, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 06.05.2024 (Annexure P-9) whereby he has been discharged without conducting any departmental inquiry.

2. The petitioner claims that as per his 8th and 10th Standard Certificate, his date of birth is 10.05.1969. The Punjab State Education Board has also confirmed this fact. Despite said fact, the respondent relying upon report of District Education Officer, Fatehgarh Sahib has formed an opinion that date of birth of the petitioner is 10.05.1967. He has been discharged without conducting departmental inquiry or granting opportunity of hearing.

3. Mr. Aman Dhir, Deputy Advocate General, Punjab, who on advance notice is present in Court, submits that as per his instructions, the petitioner has been discharged, however, he has not been dismissed from service. The department has initiated an inquiry and the petitioner would be

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given full opportunity to put forth his stand. He would be issued show cause notice prior to passing any adverse order. He would also be given opportunity of personal hearing as well as opportunity to file reply to show cause notice.

4. Faced with this, learned counsel for the petitioner submits that the petitioner may not be treated as discharged during the pendency of departmental proceedings.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. The grievance of the petitioner that he has been discharged without granting opportunity of hearing and conducting inquiry stands redressed in the wake of statement of learned State counsel. This Court is sanguine of the fact that respondent would conduct the inquiry and grant adequate opportunity to the petitioner to put forth his stand. The inquiry shall be conducted within three months from today because it is question of two years' service. The petitioner shall not seek adjournment on one or another ground. He shall fully cooperate in the proceedings so that authorities may complete the proceedings. If, in the inquiry, it is found that petitioner was wrongly discharged, he would be entitled to salary of the said period.

7. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.05.2025*Mohit Kumar*

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