



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-15612-2024

Date of decision: 06.02.2025

P NO. 6971130 N SH. NITESH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Brig. Janesh Kumar (Retd.), Advocate with
Mr. Chetan Sood, Advocate
for the petitioner.

Mr. Gaurav Pathak, Senior Panel Counsel
for respondents-Union of India.
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has filed the present petition for raising a challenge to the impugned order dated 25.04.2024 (Annexure P-16) passed by the respondents whereby the disciplinary authority had awarded major penalty of *“Dismissal from service which shall ordinarily be a disqualification for future employment under the Government”* w.e.f. the date of issue of the order.

2. Learned counsel appearing on behalf of the respondent raises a preliminary objection that the petitioner has filed a statutory appeal before the appellate authority prior in point of time and that the appeal is still pending and is not being decided.

3. Refuting the same, learned Counsel for the petitioner



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contends that the appeal was filed before the Appellate Authority after the institution of the present writ petition.

4. Be that as it may, it is not in dispute that a statutory remedy of appeal has been prescribed and the petitioner has, as on date, availed of the said statutory remedy.

5. Under the given circumstances, it would be imperative that the petitioner first exhaust his alternative statutory remedies that are available. The present writ petition is accordingly disposed of at this stage without commenting on merits by issuing a direction to the respondent-appellate authority to decide the pending appeal in a time bound manner and preferably within a period of four months of a receipt of certified copy of this order after granting an opportunity of hearing to the petitioner, if so provided under the rules.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 06, 2025

Vishal sharma

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