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

**CWP-23630-2025 (O&M)
Date of decision: 18.08.2025**

Bhupinder Singh Sidhu

... Petitioner

Vs.

**The Punjab State Cooperative Supply and Marketing Federation Ltd.
and others**

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking setting aside the order dated 22.06.2020 (Annexure P-4) passed by respondent No.1 and the order/letter dated 30.07.2025 (Annexure P-7), vide which the statutory departmental appeal dated 23.09.2024 (Annexure P-6) has been rejected/filed and further to issue a writ in the nature of *mandamus* directing respondent No.1 to place the aforesaid appeal (Annexure P-6) before the Board of Directors-respondent No.2 and to decide the same on merits in a time bound manner.



2. Learned counsel for the petitioner submits that the petitioner, after successfully qualifying the written examination and completing all the formalities, was appointed as Assistant Field Officer vide appointment letter dated 21.11.2013 (Annexure P-3) and he joined as such. Further, on account of his father's serious illness, the petitioner proceeded on sanctioned leave from 16.03.2019 to 14.04.2019 and he sought extension of leave, but his request was not accepted. Ultimately, his father passed away in November, 2019, due to which, the petitioner was in depression and he remained unavoidable absent from duty. Further, COVID-19 pandemic was at its peak at that time. Meanwhile, respondent No.1-Managing Director passed the impugned order dated 22.06.2020 (Annexure P-4) by treating the petitioner absent from duty and he was deemed to have resigned w.e.f. 15.04.2019 without issuing any notice or providing any opportunity of hearing to him. The said order was never served upon the petitioner and he came to know about the same much later. The petitioner being in dire need of the employment preferred the statutory appeal (Annexure P-6) on 23.09.2024 before the Board of Directors-respondent No.2, however, without placing it before the competent appellate authority, office of respondent No.3, vide order/letter dated 30.07.2025 (Annexure P-7), has wrongly treated the statutory appeal filed by the petitioner as representation and rejected it without assigning any reason or affording an opportunity of hearing to him.

3. Learned counsel for the petitioner assails the action of the



respondents on the ground that deemed resignation of the petitioner has been accepted without adhering to the due procedure prescribed under the statutory rules. As such, the impugned order dated 22.06.2020 (Annexure P-4) is not sustainable being violative of principles of natural justice.

4. Notice of motion.

5. Ms. Pushpanjali Bisht, Advocate for Mr. T.S. Sidhu, Advocate appears and files Memorandum of Appearance on behalf of the respondents in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file. She could not controvert the fact that the petitioner has a right to file statutory appeal against the impugned order (Annexure P-4) and the competent authority has not decided the appeal filed by him on merits. She submits that the needful in the manner as prescribed under the statutory rules would be done after affording an opportunity of hearing to the petitioner.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds force in the arguments advanced by learned counsel for the petitioner.

7. In view of the facts and circumstances of the case, present petition is allowed and the impugned order/letter dated 30.07.2025 (Annexure P-7) is set aside. Accordingly, respondent No.1 is directed to place the statutory departmental appeal (Annexure P-6) before the competent appellate authority, who shall decide the same, in accordance with law, after affording



an opportunity of hearing to the petitioner, within a period of four months from the date of receipt of certified copy of this order.

8. Needless to say, if the petitioner is found entitled to the relief sought, the same be granted to him forthwith by the competent authority.

18.08.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No