

CWP-28487-2022

-1-

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

248

CWP-28487-2022

Date of Decision: 21.01.2025

DAV College Managing Committee

...Petitioner(s)

**Versus**

District Judge, Fatehabad and another

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

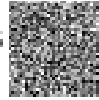
Present:- Mr. Rajdeep Singh Cheema, Advocate for the petitioner

Mr. R.K. Malik, Senior Advocate, with  
Mr. Ankur Sheoran, Advocate for respondent no.2

**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the judgment dated 15.10.2022, Annexure P-1, passed by the Educational Tribunal, Fatehabad, whereby the second respondent's dismissal from service vide order dated 04/07.10.2016, Annexure P-17, has been set aside, and he has been ordered to be reinstated.

2. As per facts apparent on record, the second respondent was working as Principal in a School run by the petitioner Management. He was placed under suspension on 08.09.2014, and later served a chargesheet dated 27.12.2014. Considering his response to the same, a disciplinary inquiry was conducted. The Inquiry Officer submitted its report dated 08.01.2016, Annexure P-15. Thereupon, vide letter dated 02.10.2016, Annexure A-1, the second respondent was informed about the findings arrived at by the Inquiry

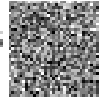


Officer, and was called upon to show cause why action according to rules and regulations of the Management should not be taken against him; a copy of the inquiry report was also enclosed therewith. The second respondent replied to the show cause notice by submitting a detailed reply dated 12.02.2016, Annexure P-16. After going through the reply, the Management found it not satisfactory and passed the order, dated 04/07.10.2016, dismissing him from service. The same was challenged by the second respondent before the Educational Tribunal by filing an appeal, which was allowed vide the impugned judgment directing his reinstatement.

3. Learned counsel for the petitioner has argued that the order of dismissal was passed against the second respondent after giving him ample opportunity to defend himself in terms of the procedure laid down. Despite there being no substantial prejudice to the second respondent, the dismissal has been set aside by the Tribunal ordering his reinstatement which is not sustainable.

4. Learned senior counsel, on the contrary, contends that the order of dismissal has been passed in violation of the Principles of Natural Justice which the Management was mandatorily required to follow. The second respondent was not afforded due opportunity to defend himself, and the conclusions arrived at by the Inquiry Officer in his report were accepted without considering the objections raised thereto in the detailed reply submitted by him.

5. A perusal of the order of dismissal, dated 04/07.10.2016, makes it apparent that the reply, dated 12.02.2016, submitted by the second respondent objecting to the conclusions arrived at by the Inquiry Officer has not been considered at all. None of the objections taken by the second respondent has



been taken into account while passing the order of dismissal. The order simply records that after carefully going through the reply it has not been found satisfactory. It is not a reasoned speaking order which the disciplinary authority being *quasi-judicial* functionary was required to pass. Learned counsel for the Management is not in a position to dispute the fact and fairly contends that a fresh reasoned order will be passed by the Management after duly considering all the objections taken by the second respondent in his reply to the show cause notice. Learned senior counsel for the second respondent has no objection to the same.

6. Consequently, no exception can be taken to the impugned judgment passed by the Tribunal, dated 15.10.2022, setting aside the order of dismissal, dated 04/07.10.2016, being in violation of the Principles of Natural Justice. However, instead of permitting the Management to pass a fresh order in accordance with law, the Tribunal ordered the reinstatement of second respondent in service with all consequential benefits, excluding the subsistence allowance already received by him during the period of suspension and inquiry proceedings.

7. In view of the stand taken by learned counsel for both the parties before this Court, the impugned judgment of the Tribunal, dated 15.10.2022, is set aside only to the extent it orders the reinstatement of second respondent in service with all consequential benefits except the subsistence allowance, and the petitioner Management is directed to pass a fresh order after considering his reply, dated 12.02.2016, and affording him due opportunity of hearing, within three months of receiving a certified copy of this order. His right to



reinstatement and consequential benefits will be determined as per fresh decision taken by the Management.

8. Disposed of.

(TRIBHUVAN DAHIYA)  
JUDGE

21.01.2025  
Payal

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |