



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

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**CWP-8399-2026 (O&M)
Date of decision: 19.03.2026**

Gurpreet Singh

....Petitioner

Versus

Shiromani Gurdwara Parbandhak Committee (SGPC) and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned termination order No.1255 dated 28.02.2026 (Annexure P-9) passed by respondent No.2 whereby the services of the petitioner have been terminated. Further a writ of *mandamus* has been sought, directing respondent No.1 to reinstate the petitioner with immediate effect and grant him all the consequential benefits including continuity of service, full back wages and seniority from the date of his illegal termination till actual reinstatement, seniority and promotion.

2. The brief facts of the case are that the petitioner was appointed as a Driver with the Dharam Parchar Committee of the respondent/SGPC on 05.09.2010 and he has rendered more than 15



years of unblemished service. In the month of April, 2025, the petitioner developed complications relating to his spinal cord and was referred by the respondents themselves for medical examination to Sri Guru Ram Das Hospital, Amritsar. Subsequently, on the basis of a complaint made by Flying Squad of respondent/SGPC, alleging consumption of intoxicants and misconduct, the petitioner was subjected to medical examination and he was placed under suspension vide order dated 24.04.2025 (Annexure P-5). A charge-sheet dated 08.08.2025 (Annexure P-6) was issued reiterating the allegations levelled against him. The petitioner submitted a detailed reply to the same denying all the allegations and explained that he was under medical treatment and consuming Ayurvedic medicines, which might have been misconstrued as alcohol. Significantly, the Chemical Examiner to Government of Punjab, vide report dated 09.10.2025 (Annexure P-8), has conclusively found that no traces of alcohol or intoxicants were present in the petitioner's blood samples. Despite the aforesaid medical evidence and without conducting any regular departmental enquiry, the respondents passed the impugned termination order dated 28.02.2026 (Annexure P-9), terminating the services of the petitioner.

3. Learned counsel for the petitioner, *inter alia*, contends that the impugned termination order is wholly illegal, arbitrary and violative of Rule 4 of the SGPC Service Rules, which mandates framing of charges, affording opportunity of hearing and conducting a regular enquiry before imposing the punishment of dismissal. He further



submits that no regular enquiry was conducted in the present case, no evidence was recorded in the presence of the petitioner and no opportunity of cross-examination was afforded to him, thereby violating the principles of natural justice. He further contends that as per the report dated 09.10.2025 (Annexure P-8), the Chemical Examiner has conclusively establishes that no traces of alcohol or intoxicants were present in the petitioner's blood samples, which goes to the root of the controversy has not been considered while passing the impugned termination order dated 28.02.2026 (Annexure P-9).

4. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, the present petition is being decided *in limine* without issuing notice to the respondents in order to save judicial time of the Court and also the litigation costs of the respondents.

5. It is apparent on record that the foundation of the allegations against the petitioner rests upon the accusation of consumption of alcohol and alleged misconduct. In this regard, after recording General Diary No.025 at Police Station Talwandi Sabo, the petitioner was subjected to medical examination at the Civil Hospital, Talwandi Sabo, where his blood samples were taken for analysis. The report of the Chemical Examiner dated 09.10.2025 (Annexure P-8), which is available on record, conclusively establishes that no traces of alcohol or any intoxicant were found in the petitioner's blood samples. However, a perusal of the impugned termination order dated 28.02.2026



(Annexure P-9) reveals that the said vital piece of evidence has not been considered by the punishing authority, nor is there any discussion with regard thereto. As such, this Court is of the considered view that the impugned order dated 28.02.2026 (Annexure P-9) suffers from non-application of mind and cannot be sustained in the eyes of law.

6. Consequently, the present petition is partly allowed and the impugned termination order dated 28.02.2026 (Annexure P-9) is set-aside. The respondent No.2 is directed to pass a fresh order, in accordance with law, after taking into consideration the report of the Chemical Examiner dated 09.10.2025 (Annexure P-8), and after affording an adequate opportunity of hearing to the petitioner.

(HARPREET SINGH BRAR)
JUDGE

19.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No