
(2023) 02 UK CK 0052

In the Uttarakhand High Court

Case No : Special Appeal No. 213 Of 2017

Committee Of Management Punjab Sindh Kshetra Inter
College, Rishikesh

APPELLANT

Vs

Anita & Others

RESPONDENT

Date of Decision : 15-02-2023

Acts Referred:

Citation : (2023) 02 UK CK 0052

Hon'ble Judges : Vipin Sanghi, CJ; Ravindra Maithani, J

Bench : Division Bench

Advocate : Amar Shukla, Ajay Veer Pundir, K.N. Josi

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. Urgency Application (IA No.5656 of 2022) is allowed.
2. In view of the urgency expressed, we have heard the appeal today itself.
3. The present special appeal is directed against the order dated 20.04.2017, passed by the learned Single Judge, in Writ Petition (S/S) No.946 of 2010, whereby the writ petition preferred by the respondent-writ petitioner against his dismissal from service has been allowed. The respondent-writ petitioner was directed to be paid pensionary/ retiral/ terminal benefits including other monetary benefits within ten weeks from the date of the order.
4. The respondent- writ petitioner, it appears, was issued a charge-sheet with the allegation that he had made the false declaration with regard to his educational qualifications while seeking employment with the appellant on the post of Assistant Teacher C.T. Grade (Drawing).
5. The case of the appellant was that, in his application form, the respondent-writ petitioner had claimed that he had the qualification of I.G.D. (Intermediate Grade Drawing). He also produced the certificate in support of his claim. The

appellant claimed that it was subsequently discovered that the said certificate was forged, and the respondent-writ petitioner did not have the said qualification.

6. After dismissal of the respondent- writ petitioner from service, he preferred an appeal. The Additional Director (Education), Garhwal Division, Pauri, passed an order on 24.02.2010, rejecting his appeal while, at the same time, directing that his dues till the date of his termination be paid. His dismissal from service was put to challenge by the respondent-writ petitioner by preferring the aforesaid writ petition.

7. A perusal of the impugned order shows that the learned Single Judge has proceeded on the basis that no regular inquiry was held against the respondent-writ petitioner on the allegation that he had submitted a forged certificate. This finding of the learned Single Judge is patently incorrect. The appellant had filed a detailed counter-affidavit, disclosing that the respondent-writ petitioner was repeatedly issued notices and, eventually, was issued the charge-sheet on 17.07.2001. It was stated that the respondent-writ petitioner had not participated in the inquiry, and did not produce the relevant original document. On that account, he was dismissed from service. This aspect has been completely lost over by the learned Single Judge while passing the impugned order.

8. On this short ground the impugned order cannot be sustained and, we, accordingly, set-aside the same.

9. Since the impugned order has been passed without considering the merits of the case, we remand the matter back to the learned Single Judge for rehearing and reconsideration of the writ petition on its merit.

10. In the meantime, we direct the appellant to pay the dues of the respondent-writ petitioner in terms of the appellate order dated 24.02.2010, within four weeks, if not already paid.

11. The special appeal stands disposed of in the aforesaid terms.

12. Pending application, if any, also stands disposed of.