
(2020) 09 SHI CK 0226
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 3107 Of 2019

Mal Dutt Sharma

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 15-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0226

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Bimal Gupta, Kusum Chaudhary, Somesh Raj, Dinesh Thakur,
Sanjeev Sood

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this writ petition, the petitioner has INTER ALIA prayed for quashing of order dated 03.06.2011 (Annexure P-8), as well as for setting aside Inquiry Report dated 27.09.2011. Other reliefs, as mentioned in the petition, have also been prayed for.

2. When this case was taken up for consideration on merit today, learned Senior Counsel appearing for the petitioner apprised the Court that against the final order passed by the Disciplinary Authority, statutory appeal has been filed by the petitioner. The Court suggested that in this background, the best course can be that the Appellate Authority can be called upon to decide the appeal of the petitioner within a time bound manner, after affording an opportunity of being heard to the present petitioner, and in case, the petitioner is still aggrieved by the order to be so passed by the Appellate Authority, then, the petitioner shall be at liberty to have such legal recourse against the order, as is permissible in law.

3. Learned Senior Counsel appearing for the petitioner submits that though the petitioner is not averse to the same, but this Court may give at least this much protection to the petitioner that in the event of the Appellate Authority deciding

against the petitioner, then, the order so passed by it be not implemented for a period of six weeks so that the petitioner have reasonable time to approach appropriate Court for redressal of his grievance.

4. Learned Additional Advocate General submits that the State is not averse to the same, however, rather than keeping the order in abeyance for six weeks, it will be in the interest of justice, in case, the same is kept in abeyance for two weeks.

5. In view of the fair stand so taken by learned Counsel for the parties, without going into the merit of this petition, the same is ordered to be closed with a direction that the appeal which has been filed by the present petitioner against the order passed by the Disciplinary Authority be decided by the Appellate Authority on or before 31st October, 2020, after affording an opportunity of being heard to the petitioner either in person or in representative capacity. In the event of the Appellate Authority's order going against the petitioner, the same shall not be implemented for a period of four weeks as from the date of receipt of a copy of the same by the petitioner, to enable the petitioner to have appropriate legal recourse against the order in issue. However, it is clarified that in case the petitioner does not avail appropriate legal recourse against the order passed by the Appellate Authority within a period of four weeks as from the date of receipt of the order, then, the protection granted to the petitioner by way of this order shall cease to operate.

With these observations, this writ petition stands disposed of. Pending miscellaneous application(s), if any, also stand disposed of accordingly.