

(2010) 11 P&H CK 0500

High Court Of Punjab And Haryana At Chandigarh

Case No: LPA No. 1511 of 2010 (O and M)

Shiromani Gurudwara
Parbandhak Committee

APPELLANT

Vs

Gurdev Singh

RESPONDENT

Date of Decision: Nov. 16, 2010

Hon'ble Judges: Ritu Bahri, J; M.M. Kumar, J

Bench: Division Bench

Judgement

M.M.Kumar, J.

The Shiromani Gurudwara Parbandhak Committee (for brevity "the SGPC") has filed in the instant appeal under Clause X of the Letters Patent challenging order dated 1.9.2010 passed by the learned Single Judge of this Court quashing the order of termination dated 30.7.1997 passed against the writ Petitioner-Respondent. It has come on record that the writ Petitioner-Respondent was appointed as Sewadar on adhoc/temporary basis by the President of the SGPC on 7.11.1992 in the grade of Rs. 775-1955 with initial start of Rs. 775/-. At the time of termination of his service, he had rendered five years of service. The order of termination passed by the Appellant dated 30.7.1997 reads as under:

OFFICE SHIROMANI GURDWARA PRABHANDHAK
COMMITTEE.

Copy of Order No. 814 dated 30.7.1997. On the basis of Order No. 21343/45 of Office of LPA1511 of 2010 2 Shiromani Gurdwara Prabandhak Committee dated 29.7.1997. In view of the complaint made by Palwinder Singh Premi of East Mohan Nagar dated 18.7.1997 regarding keeping of 2 receipts by Tola on the counter Karah parshad of Gurdwara Baba Deep Singh Ji Shaheed of Rs. 10/-each (Total Rs. 20/-) and on recovery of above 2 receipts which were recovered on search made on the spot by Supervisor, Gurdwara Shaheedgarh and finding 7 more receipts of Rs. 10/-each and on the basis of investigating report of Inspector Brach 85. Bhai Gurdev Singh Sewadar Tola s/o S. Gurdev Singh is hereby relieved from service on the charge of

committing fraud.

Sd/- Dayal Singh, Manager."

2. It is evident from the order of termination that serious allegation of mis-appropriation and fraud have been levelled and admittedly no enquiry was held. The learned Single Judge has held that even if the Petitioner was taken to be a temporary employee, the order of termination highlight specific allegation against the writ Petitioner-Respondent and it casts aspersions on the integrity of the employee. Therefore, such an order could not have been passed without following the procedure for dismissal of an employee as envisaged by Rule 4 of the Shiromani Gurudwara Parbandhak Committee Service Rules which provides a detailed procedure for dismissal of an employee. Accordingly we hold that the order passed by the learned Single Judge does not suffer from legal infirmity warranting interference of this Court.

3. However, Mr. Sukhbir Singh, learned Counsel for the Appellant has argued that the dismissal order was passed on 30.7.1997 whereas the LPA1511 of 2010 3 writ petition which lead to the passing of the impugned judgment was filed on 26.7.2000. The learned Counsel has maintained that on account of delay the financial burden of arrears should not be fastened on the Appellant.

4. Ms. Vanita Sapra, learned Counsel for the writ Petitioner-Respondent, who is present in the Court, accepts notice and makes a statement that the writ bPetitioner-Respondent shall not insist on back wages for the delayed period i.e. 30.7.1997 to 26.7.2000.

5. In view of the above, the instant appeal is disposed of with a direction that the writ Petitioner-Respondent would not be entitled to claim back wages for the delay caused by him in filing the writ petition which is from 30.7.1997 to 26.7.2000.