

(2014) 05 P&H CK 0285**High Court Of Punjab And Haryana At Chandigarh****Case No:** C.W.P. No. 10746 of 2014

Amrik Singh

APPELLANT

Vs

The Punjab State Cooperative
Agricultural Development Bank
Ltd.

RESPONDENT

Date of Decision: May 28, 2014

Hon'ble Judges: Sabina, J

Bench: Single Bench

Advocate: M.S. Sarao, Advocate for the Appellant

Final Decision: Dismissed

Judgement

Sabina, J.

This petition has been filed by the petitioner challenging order dated 5.5.2014 (Annexure P-1).

2. Case of the petitioner, in brief, is that he joined the Punjab State Cooperative Agricultural Development Bank Limited, Chandigarh ("the bank" for short) in the year 1987. Petitioner was to join at Rampura Phul after he was relieved from his present place of posting on 17.7.2013. Petitioner could not do so as he was suffering from disc problem. Petitioner submitted leave application on medical grounds. However, petitioner was declared absent from duty w.e.f. 18.7.2013. Chargesheet was issued to the petitioner on 25.10.2013 (Annexure P-6) on the allegation that he was willfully absent from duty. Petitioner was allowed to join duty pending enquiry on 16.11.2013. Petitioner submitted his reply to the chargesheet. Inquiry was conducted against the petitioner and on the basis of the said inquiry report, show cause notice in question was issued to the petitioner proposing punishment of dismissal from service. Hence, the present petition.

3. Learned counsel for the petitioner has submitted that show cause notice dated 5.5.2014 (Annexure P-1) was liable to be set aside as the petitioner could not join his

duty on account of his ill health. Petitioner had produced various medical certificates during inquiry.

4. Petitioner was relieved from his place of posting on 17.7.2013 and was to join his duty at Rampura Phul. However, petitioner failed to join his duty at Rampura Phul. Chargesheet was issued to the petitioner on the allegation that he had remained absent from duty. The inquiry officer after conducting the inquiry submitted the report and on the basis of the same show cause notice Annexure P-1) has been issued to the petitioner. At this stage, no punishment order has been passed. It is only a show cause notice which has been issued to the petitioner proposing penalty of dismissal. The appropriate remedy for the petitioner is to submit his reply to the show cause notice, whereas, petitioner has approached this Court by challenging the show cause notice. At this stage, no ground for interference by this Court is made out as no final decision has been taken by the competent authority with regard to the allegations levelled against the petitioner. Petitioner will get an opportunity to put up his case before the punishing authority before any order is passed by the said authority in pursuance to show cause notice Annexure P-1. Hence, no ground for interference by this Court is made out.

5. Dismissed.