

No. 52

Dated: 31/03/2020

ORDER

The Hon'ble High Court of Punjab & Haryana vide order dated 24.01.2020 in CWP No. 18430 of 2018, directed as under:

'On the above analysis, the decision dated 17.04.2018 of the Board of Directors, in exercise of review power, at its 410th meeting is set aside and in consequence, the order dated 30.04.2018 communicating the said decision to the petitioner is also set aside. The matter is remitted to the file of the Board of Directors of the Chandigarh Housing Board for exercise of review power, if still warranted at this stage, in accordance with the due procedure and as per the mandate of the Proviso to Rule 21 of the Rules of 1970. The petitioner shall be given due opportunity of hearing, as contemplated by the aforesaid Proviso, before any decision is taken by the Board, if it still seeks to exercise such review power. The review exercise, if contemplated, shall be concluded expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order. It is left open to the petitioner to make a representation to the Chandigarh Housing Board for any benefits that he claims entitlement to pending such exercise'

2. Considering above directions of Hon'ble High Court, Sh. Surjit Singh was given an option to make a representation for consideration by the Board. He submitted a written representation vide letter dated 18.02.2020 and opportunity of personal hearing was also allowed to him by the Board of Directors in the 420th Meeting held on 19.03.2020.

3. The Board in its 420th meeting held on 19.03.2020 considered the written representation dated 18.02.2020, oral submissions of Sh. Surjit Singh during his personal appearance, order dated 24.01.2020 of the Hon'ble High Court, facts of the case and available record. The Board observed that:

- i. The CVC vide circular NO. 08/07/2018 dated 31st July 2018 is of the view that it is not open to the Disciplinary Authorities to await the outcome or decision of investigating/prosecuting agency of the Court trial. The CVC has advised that in cases where it is appropriate to initiate disciplinary proceedings alongwith criminal prosecution, the disciplinary proceedings must be initiated simultaneously. However the Disciplinary Authority may withhold departmental proceedings only in exception cases wherein the charge in the criminal trial is of grave nature which involves question of fact and law.
- ii. In the present case the Disciplinary Authority has taken a decision not to withhold the departmental proceedings and copy of the inquiry report was provided to Sh. Surjit Singh. The Disciplinary Authority also gave an opportunity of hearing before imposing the penalty of Removal from Service.
- iii. Though the Board in its 408th meeting held on 13.11.2017 decided to revoke the dismissal and re-instate Sh. Surjit Singh but no formal orders were issued to that effect. Hence Sh. Surjit Singh, on his own, submitted his joining report to the Chairman while there were no orders about his reinstatement. Though the then Chairman, on the body of said joining report, remarked about its acceptance but neither any formal order was issued nor any posting order/work assignment was



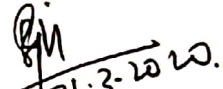
ordered. Infact the said joining was processed on file and it was decided by the Chairman that the matter be placed again before the Board for re-consideration.

iv. The Board in its 410th meeting held on 17.04.2018 reviewed its earlier decision and rejected the re-instatement and confirmed the order of removal passed by the Chairman.

4. The Board after detailed deliberations was of the view that the decision of the Board in 408th meeting dated 13.11.2017 was never implemented because no formal orders were issued and it was never communicated to Sh. Surjit Singh. Hence, contention that he joined his duties in compliance of the Board decision dated 13.11.2017 cannot be accepted.

5. The Board after hearing Sh. Surjit Singh in person, instructions of the CVC, inquiry report and the available facts & record decided that the request of re-instatement in service cannot be accepted. The Board decided to confirm the order dated 20.02.2017 passed by the Disciplinary Authority for removal from service.

6. In view of above Sh. Surjit Singh, ex-JT (PWC) is hereby informed that his request for re-instatement in service has not been accepted by the Board of Directors of Chandigarh Housing Board.


(Ruchi Singh Bedi, HCS)
Secretary,
Chandigarh Housing Board,
Chandigarh.

To,

Sh. Surjit Singh S/o Sh. Madan Lal,
VPO Manauli, Distt. Mohali,
Mobile: 8196966669

Endst. No. 783

Dated 31/03/2020

A copy of the above is forwarded for information and necessary action please:-

1. PS to Worthy Chairman/Worthy CEO/ Secretary/Chief Engineer Chandigarh Housing Board, Chandigarh.
2. The Chief Accounts Officer, CHB, Chandigarh.
3. The Administrative Officer, CHB, Chandigarh.
4. Computer Incharge, CHB, Chandigarh.