

Dabe Ram. Vs. H.P. Tourism Development Corporation and anr.

Dabe Ram. Vs. H.P. Tourism Development Corporation and anr.

SooperKanoon Citation : sooperkanoon.com/916704

Court : Himachal Pradesh

Decided On : Dec-27-2010

Judge : Kuldeep Singh, J.

Acts : H.P. Tourism Development Corporation Ltd. (Staff) Regulation, 1972/CCS (CCA) Rules - Rule 39

Appeal No. : CWP(T)No.8840 of 2008.

Appellant : Dabe Ram.

Respondent : H.P. Tourism Development Corporation and anr.

Advocate for Def. : Mr. Parveen Kumar; Mr. Naresh Kaul, Adv.

Advocate for Pet/Ap. : Mr. Virender Rathore, Adv.

Judgement :

1. The petitioner has prayed for quashing of memo dated 3.9.2002 Annexure A-3. The perusal of Annexure A-3 dated 3.9.2002 indicates that Managing Director had issued memo to petitioner for holding an inquiry under Rule 39 of H.P. Tourism Development Corporation Ltd. (Staff) Regulation, 1972/CCS (CCA) Rules, 1965. The article of charges, statement of imputations of misconduct or misbehaviour in respect of each article of charge, list of documents and list of witnesses are also enclosed with memo dated 3.9.2002. The petitioner was directed to file reply within ten days from the receipt of memorandum.

2. In the memo dated 3.9.2002, the Managing Director has specifically directed the petitioner to submit his reply. The petitioner Whether the reporters of the local papers may be allowed to see the Judgment? has not filed any reply to memo dated 3.9.2002. In absence of reply the competent authority could not consider the matter and take further step, more particularly when in the meantime the present petition was filed.

3. The petitioner has not filed the reply, therefore, next step whether to proceed in the matter on the basis of memo dated 3.9.2002 has not yet arrived. The decision to proceed in the matter will depend upon the decision of competent authority on the basis of the reply of petitioner to the memo dated 3.9.2002.

4. In these circumstances, the petition is disposed of with a direction to the petitioner to file reply to the memo dated 3.9.2002 within ten days from today and the competent authority shall consider the reply of the petitioner and pass appropriate order.

5. It is made clear that in case petitioner shall not submit the reply as indicated above in that case also the competent authority shall be competent to take decision for holding the inquiry and proceed further in accordance with law.

6. The petitioner shall be at liberty to assail the order so taken by the competent authority in accordance with law. The petition stands disposed of on above terms.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com