

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17057 of 2015

DATE OF DECISION: AUGUST 19, 2015

JATINDER SARWAL

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest?

PRESENT: PETITIONER IN PERSON.

M. JEYAPPAUL, J.

1. Jatinder Sarwal, petitioner party in-person has challenged in the writ petition the order dated 13.3.2015 (Annexure P-4) passed by learned Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal').

2. The writ petitioner was charge-sheeted for accumulation of wealth disproportionate to his known source of income. He was given due opportunity during the course of inquiry proceedings and the inquiry officer gave a finding that assets accumulated by charge-sheeted employee during the period under review were disproportionate to his known source of income. The Disciplinary Authority, having critically analyzed the inquiry report submitted as against the charge-sheeted employee, accepted the inquiry report and after giving final opportunity to the charge-sheeted employee passed the final order dismissing him from service. The appeal preferred by the writ petitioner was also dismissed.

3. It was contended by the writ petitioner who is party in-person that

due opportunity was not given to him during the course of inquiry and that the inquiry officer went ahead with the inquiry proceedings despite his objections to the inquiry being conducted by the officer nominated by the Disciplinary authority. It is his further submission that full opportunity was not given to him.

4. The Disciplinary Authority has found that the delinquent employee has sought for change of inquiry officer on untenable grounds only to protract the inquiry proceedings. The Tribunal having adverted to the entire materials on record has rightly come to a conclusion that a speaking order was passed by the Disciplinary Authority after sufficient opportunity was given to the writ petitioner during the course of inquiry and also during the course of passing the final order. In other words, principles of natural justice were duly adhered to. The writ petitioner could not explain the source of income and the disproportionate assets he acquired. In other words, it is found that there was no illegality or impropriety in the process adopted by the Disciplinary Authority before taking a decision as against the writ petitioner. Further, no leniency can also be shown in the matter of punishment as the charge established as against the writ petitioner was very serious.

5. In view of the above, we find that there is no scope for judicial review of the impugned orders passed by the Disciplinary authority, the appellate authority and the learned Tribunal.

6. The writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

August 19, 2015
Gulati

(DARSHAN SINGH)
JUDGE