

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 17515 of 2015 (O & M)

Date of decision: 14.09.2015

Raja Ravinder Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Pt. Hari Om Sharma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11589 of 2015

Application for placing on record Annexures P-12 and P-13 is
allowed, subject to all just exceptions.

The same are taken on record.

CWP No. 17515 of 2015

Challenge in the present writ petition is to the charge sheet
dated 29.05.2014 (Annexure P-8) issued by respondent no. 3, the
Commissioner, Faridkot Division and the show cause notice dated
04.08.2015 (Annexure P-9) issued by respondent no. 4-Deputy
Commissioner, Faridkot.

The grouse of the petitioner is that the proceedings were
already dropped against him in pursuance of the preliminary inquiry report
dated 23.04.2013 (Annexure P-6) conducted by the Additional Deputy
Commissioner, Faridkot wherein, it was found that there was no mala fide
involved in the registration of the documents. The petitioner had registered
the documents as per the Collector rates and it was Pawan Kumar

who had concealed the facts at the time of registration of documents.

A perusal of the show cause notice (Annexure P-9) now issued would go on to show that the Deputy Commissioner has prima facie observed that in the inquiry report, the charges against the petitioner stand proved and, therefore, the petitioner should submit his reply within 15 days and further disciplinary action will be initiated thereafter. Admittedly, the petitioner has not approached the Deputy Commissioner bringing to his notice the factum of his being exonerated by the Additional Deputy Commissioner as per the inquiry report, as disclosed above. Specific affidavit has been filed by the petitioner that in pursuance of the charge sheet dated 29.05.2014, no inquiry was conducted by the Additional Deputy Commissioner apart from the preliminary inquiry which had been initiated earlier. The petitioner has admittedly also filed reply to the Commissioner regarding the charge sheet on 01.07.2014 (Annexure P-12) in which these facts also find mention.

Keeping in view such circumstances, the present writ petition is disposed of with liberty to the petitioner to approach respondent no. 4 and bring to his notice the exoneration report in his favour. The said respondent shall thereafter reconsider and pass a specific order whether the matter is to be further looked into. It is always open to the petitioner to challenge the said order passed by the said respondent. The petitioner shall file the said representation within a period of 2 weeks from today and the said respondent shall decide the same within a period of 4 weeks.

14.09.2015
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(G.S. SANDHAWALIA)
JUDGE