

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 22461 of 2015 and connected matters

Date of Decision : December 07, 2015

Smt. Ritu Petitioner

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Dr. Surya Parkash, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

These six writ petitions being **C. W. P. Nos. 22461, 22622, 22628, 23154, 23164 and 23411 of 2015**, involving similar questions of fact and law, were taken up for hearing together and are being disposed of by this common judgment. For the sake of convenience, facts are being extracted from **C. W. P. No. 22461 of 2015**.

Through the present petition, challenge is made to the FIR lodged against the petitioner, as also to the charge-sheet served upon her.

So far as challenge to the FIR is concerned, the petitioner has adequate remedies under criminal law, to which she is relegated.

To the impugned charge-sheet, the petitioner has filed a

detailed reply, but without awaiting the final outcome thereupon, she has rushed to this Court. No decision yet has been taken by the respondent on the reply submitted by the petitioner to the charge-sheet served upon her, whether to initiate inquiry or not. Thus, the present petition is clearly premature.

Several petitions like the nature of the present one are being filed in this Court. The apprehension shown by the petitioners is that since they have been charge-sheeted in purported compliance of the order passed by this Court in **C. W. P. No. 3 of 2011** titled **Parveen Kumari and others vs. State of Haryana and others**, regular departmental enquiry would necessarily be ordered against them.

The apprehensions on the part of the petitioner are misconceived. A perusal of the directions given by this Court in **Parveen Kumari's** case (*supra*) clearly shows that the Court has merely directed the respondent-department to take action against the defaulters in accordance with law and that is exactly what I expect the respondent-department to do but in the peculiar facts of the case, I direct the respondents to consider the reply to the charge-sheet filed by the petitioner on each issue of fact and law raised and decide the same by passing a speaking order thereupon. This would be as per the principles of natural justice and the basic requirements of law, which requires all responses to any show cause notice or charge-sheet to be disposed of through a well-reasoned speaking order.

In view of the aforesaid facts, so far as challenge to the charge-sheet is concerned, the present six writ petitions being **C. W. P. Nos. 22461,**

22622, 22628, 23154, 23164 and 23411 of 2015, are premature and therefore, ordered to be dismissed. However, the petitioners are at liberty to avail of their remedy in accordance with law against the lodging of the FIR against them.

A photocopy of this order be placed on the files of other connected matters.

**(DEEPAK SIBAL)
JUDGE**

December 07, 2015
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