

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

CWP No.25669 of 2014 (O&M)

Date of Decision: 27.03.2015

Multan Singh

... Petitioner

VS.

Union of India & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr.Maninder Singh, Advocate for
Mr.Dhiraj Chawla, Advocate for the petitioner

Ms.Harsh Rekha Kapoor, Advocate for
Ms.Manpreet Kaur, Advocate for respondents No.2 to 4

SURYA KANT, J. (Oral)

(1) The petitioner is aggrieved by the order dated 14.11.2014 whereby the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') has dismissed his Original Application. There were two issues before the Tribunal, namely, (i) the fairness in the matter of selection to the post of Assistant Sub Inspector in Chandigarh Police in which the petitioner claims to have been selected and sought his appointment; and (ii) whether the petitioner is liable to be subjected to disciplinary action as he is serving in the Police Force as a Constable and allegedly was found to have indulged in illegal and mal-practices to secure his selection as ASI?

(2) The Tribunal rejected his claim for appointment as also his challenge to the charge-sheet/disciplinary proceedings.

(3) When this petition came up for preliminary hearing on 16.01.2015, we heard learned counsel for the petitioner at considerable length but declined to interfere in the initiation of disciplinary proceedings except taking notice of his contention that the enquiry proceedings were required to be conducted by a senior IPS Officer, for some of the high ranked police functionaries have adversely commented against the petitioner in relation to the charges pending enquiry.

(4) In deference to the observations made by this Court, the authorities have vide their order dated 09.02.2015, appointed Mr. Ram Niwas Meena, IPS, Commandant, IRB as the new Enquiry Officer.

(5) We thus dispose of this writ petition without interfering with the order of the Tribunal but with a further clarificatory direction to the Enquiry Officer to examine the record of the enquiry conducted so far and if he finds that, at any stage the petitioner has been denied fair trial or if the principles of natural justice have not been adequately observed, he shall re-open the enquiry proceedings from that stage and conclude the same in accordance with law after giving adequate opportunity of defence to the petitioner. The petitioner shall be permitted to inspect the record etc., if such records are relevant with reference to the issues to be gone into by the Enquiry Officer. Similarly, the disposal of this writ petition shall not preclude the petitioner from

approaching the competent authority and/or appropriate forum for the redressal of related grievances, as and when need be.

(6) The writ petition stands disposed of.

(Surya Kant)
Judge

27.03.2015
vishal shonkar

(P.B. Bajanthri)
Judge