

CWP No.26336 of 2015

[1]

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

**CWP No.26336 of 2015
Date of decision:18.12.2015**

Sikander Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.S.Hooda, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed to assail the validity of the enquiry report dated 13.10.2014 wherein the petitioner was proceeded against *ex-parte*. The Inquiry Officer has found that the petitioner remained present at the time of statement of only one witness but, thereafter, he did not come present during the entire proceedings and also showed indiscipline. Thus, after recording the *ex-parte* evidence, the guilt of the petitioner has been established.

Counsel for the petitioner has argued that he has been wrongly proceeded against *ex-parte*.

In this regard, the petitioner has to lead both oral as well as documentary evidence to prove that he has been wrongly proceeded against

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ex-parte, therefore, the remedy lies with the Civil Court instead of filing the present writ petition where no oral evidence is recorded.

Consequently, this petition is not maintainable in the present form and hence, the same is hereby dismissed. However, the petitioner, if so advised, may avail his remedy of civil suit before the Civil Court or before the Department concerned.

December 18, 2015
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(**Rakesh Kumar Jain**)
Judge