

CM No.7461 of 2015 and
CWP No.3115 of 2014

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

CM No.7461 of 2015 and
CWP No.3115 of 2014
Date of Decision: June 29, 2015

State of Punjab

...Petitioner

Versus

National Commission for Scheduled Castes & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harkesh Manuja, Addl. A.G., Punjab
for the petitioner.

Ms Anju Arora, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (Oral):

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Prayer in this application is for dismissal of the writ petition as the same has become infructuous on the ground that the petitioner-State of Punjab has challenged the order dated 19.02.2014 (Annexure P-1) vide which the National Commission for Scheduled Castes had stayed the holding of the departmental enquiry against respondent No.2 and now the final order has been passed by the Commission. Prayer has also been made for preponement of the hearing of the case.

Notice of this application was issued and reply thereto has been filed in Court which is taken on record.

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On considering the submissions made by the counsel for the petitioner-State, the hearing of the main case is preponed and the main case is taken on board for final disposal.

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Counsel for the petitioner-State could not dispute the fact that the National Commission for Scheduled Castes has passed the final order on 15.09.2014.

Counsel for the petitioner-State states that the recommendations of the said Commission have been duly considered by the State and it has been decided that the same is not to be acted upon. This, he states on instructions from Shri Nand Kishore, Senior Assistant, O/o Financial Commissioner, Forests. He further states that the petitioner-State has already initiated departmental enquiry against respondent No.2 and an Enquiry Officer has been appointed for holding the said enquiry.

Counsel for respondent No.2, on instructions from respondent No.2 who is present in Court, states that the Officer who has been appointed as Enquiry Officer has refused to proceed with the enquiry.

This fact is disputed by the counsel for the petitioner-State, on instructions and states that the Enquiry Officer has only refused to hold the enquiry till permission is granted by the Cadre Controlling Authority. He further states that effort would be made to finalize the enquiry at an early date.

Counsel for respondent No.2 submits that respondent

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No.2 is retiring in July, 2016 and the mere intention of the petitioner is to deny the benefit of his seniority.

Keeping in view the facts and circumstances of the case, the present writ petition is disposed of as infructuous by observing that the petitioner-State of Punjab may proceed with the enquiry against respondent No.2 in accordance with law and shall conclude the same within a period of three months from today. The final order passed be conveyed to respondent No.2 forthwith.

June 29, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE