

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

CWP No.2771 of 2015

Date of Decision : 20.2.2015

Bir Meharban

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present: Mr.Pankaj Jain, Advocate
for the petitioner.

MAHESH GROVER, J.

The petitioner along with another official is facing two enquiries – one being conducted by Vigilance Bureau and other departmental. A prayer has been made in this petition that appropriate direction be issued to the respondents to take charge from the petitioner which he is willing to hand over but the respondents are instead contemplating of lodging an FIR on this pretext that the petitioner is not handing over the charge.

I have heard the learned counsel for the petitioner and have perused the material on record.

It is difficult to appreciate the grievance of the petitioner considering the fact that two enquiries are going on against him on the charges which can be termed to be serious. In this eventuality whether the petitioner is reluctant in restoring the

charge to the respondents or there is some laxity on the part of the respondents is an issue which will probably arise in the realm of disputed facts which this Court would not be in a position to appreciate in the exercise of its discretion under Article 226 of the Constitution of India. Be that as it may, since the petitioner through this petition and on an affidavit states that he is willing to restore the charge to the respondents, they may retrieve the responsibility from the petitioner in terms of Annexure P-5 by taking the contents of the petition to be an auid and express consent of the petitioner. The respondents would, however, be at liberty to take recourse to proceedings in accordance with law and the observations made by this Court would not in any manner be construed to be an impediment in the progress of the legal proceedings. To obviate the chances of any further controversy the petitioner shall hand over the charge to the respondents on 2.3.2015.

Petition disposed of.

20.2.2015
dss

(MAHESH GROVER)
JUDGE