

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.243 of 2001 (O&M)

Date of Decision: 04.11.2016

Dr. Het Ram Bishnoi

... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. D.S. Patwalia, Sr. Advocate,
with Mr. Kannan Malik, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

RAJIV NARAIN RAINA, J.

1. To cut the long history short; in the considered view of this Court, this matter can be resolved by a direction to the respondents to pick up the threads of the departmental proceedings from the date the petitioner was proceeded against ex parte and to give reasonable opportunity to the delinquent petitioner to defend himself of the charges framed against him by the charge-sheet issued in July 1993. This is mostly for the reason that action was initiated against the petitioner at the highest level of Government which must have been irresistible for a person in the position of the petitioner. In any case, serious prejudice has been caused to the petitioner by the procedure adopted, and to serve ends of justice when the petitioner has a valuable right to defend himself and acquit himself from blame in the alleged misconduct in a fair and proper enquiry. The result can be achieved by applying the principles in Managing Director, ECIL v. B. Karunakar, (1993) 4 SCC 727 to return the parties to the place where the error occurred causing grave prejudice to the petitioner.

2. Accordingly, this petition is partly allowed. The impugned order of dismissal is set aside but that would not mean automatic reinstatement. The petitioner will be kept on deemed suspension, if already not retired, till the conclusion of the enquiry which is directed to be disposed of expeditiously, the matter being an old one. The Government to initiate steps to fix time, date and venue in consultation with the petitioner for holding the inquiry from the point mentioned above. To facilitate the process, the petitioner would appear before the 2nd respondent-Director Health Services, Haryana, Panchkula on any working day, as and when called after receipt of certified copy of this order with prior information to him.

3. This order has been passed without expressing any opinion on the merits of the case.

4. Needless to say that in the fresh proceedings the impugned order of dismissal and the evidence, both oral or documentary, gathered after the petitioner was proceeded against ex parte will not influence the future proceedings to be held in accordance with law.

(RAJIV NARAIN RAINA)
JUDGE

04.11.2016

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Whether speaking/reasoned Yes

Whether reportable No