

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

Civil Writ Petition No.10008 of 2012 (O&M)

Date of decision: 21.1.2016

Jagtar Singh Khatra

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Amit Chopra, Advocate,
for the petitioner.

Mr.Nikhil K. Chopra, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The challenge in this petition was to a charge-sheet issued for misconduct. Vide interim order, the departmental proceedings were not stayed but the passing of the final order was stayed vide order dated 14.8.2013. The stay order continues to operate. It transpires that during the pendency of this petition, 3 other co-delinquents all of whom were also charge sheeted and tried in common proceedings stand exonerated. The interim order passed by this Court now works to the detriment of the petitioner as his case was left out and could not be concluded because of the stay order while the other three delinquents did not approach this Court against the charge sheet. In view of the changed circumstances and the fact

that the other three co-employees have been declared innocent of the misconduct on the same set of facts, a final adjudication on merits in the present case would serve no useful purpose. It would suffice if the interim order is lifted and the respondent department is set free to consider the case of the petitioner in the light of the dispensations awarded to the three co-employees.

A direction is, therefore, issued to the respondents to pass a final order in the case of the petitioner. In case, the misconduct attributed and the role played are identical, then parity may be kept in the matter of punishment as amongst equals in the same position. The disciplinary authority would issue and communicate the final order to the petitioner within a fortnight since it is assumed that the final order is made but cannot be given effect to or be communicated because of the interim stay passed in this case. In case, a decision is adverse to the interest of the petitioner, he would be at liberty to challenge the same in accordance with law including on the grounds taken in this petition and the additional grounds which may arise upon reading the final orders.

With these directions, the file is closed.

(RAJIV NARAIN RAINA)
JUDGE

January 21, 2016

Paritosh Kumar