

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

**CWP No.10002 of 2016
Date of Decision:- 13.06.2016**

Sushil Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. U.K. Agnihotri, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of impugned order/charge-sheet dated 28.03.2016 (Annexure P-1) issued by respondent No.2 and inquiry report dated 09.03.2016 (Annexure P-2) submitted by respondent No.3 with all consequential proceedings.

As per the inquiry report dated 09.03.2016 (Annexure P-2), Sh. K.C. Goyal, President, Haryana State Pharmacy Council, Panchkula (respondent No.6), during the hearing of the appeal before the State Information Commission, Haryana on 09.02.2016, in the presence of Superintendent of Police, State Vigilance Bureau, has made a statement that Inspector Sushil Kumar has made available him the copies of the inquiry report No.7 dated 06.05.2015 and thus the petitioner has violated the secrecy of Vigilance department by making available the photocopies of enquiry report to

K.C. Goyal (respondent No.6). In this background, the charge-sheet (Annexure

P-1) for initiating the regular departmental inquiry has been issued to the petitioner.

Learned counsel for the petitioner has referred to an order dated 09.02.2015 (Annexure P-7), passed by the State Information Commission and submits that in this order, there is no reference to the name of the petitioner or any statement made by K.C. Goyal, alleging that the enquiry report had been given by the petitioner. He had referred to the statement made by K.C. Goyal on 04.05.2016 (Annexure P-8) where he has stated that photocopies are not supplied to him by the petitioner and these were supplied to him by somebody else.

At this stage, the proceedings initiated pursuant to enquiry report and charge-sheet, cannot be interfered on a simple ground that while passing the order (Annexure P-7) photostate copies, which had been unofficially obtained from the inquiry officer had been placed on record. Since, the finding has been given that it was unofficially obtained report and in this background, the information given in the inquiry report by the Superintendent of Police, State Vigilance Bureau, would not be interfered with. Moreover, as per the petitioner, after issuing the charge-sheet (Annexure P-1), shall have an opportunity to give a detailed reply. At the same, the disclosure of secret information from the office of State Vigilance Bureau would require a detailed inquiry as certain information cannot be furnished in view of the provisions of Section 8(1) (H) of the Right to information Act, 2005.

In view of the above, the present writ petition has no merit and the same is hereby dismissed as such.

June 13, 2016
naresh.k

(RITU BAHRI)
JUDGE