

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

Date of decision: 30.05.2016

CWP No.11121 of 2016

Surender Kumar Ranga

...Petitioner

Vs.

Punjab Water Supply & Sewerage Board

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dhiraj Chawla, Advocate, for the petitioner.

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 petitioner has been ignored for promotion on the basis of a pending charge-sheet. His juniors have been promoted to the higher rank. The charge-sheet was issued on 02.11.2015 (Annex P-4). Reply to the charge-sheet was filed on 23.12.2015 (Annex P-6). No decision has been taken so far on the reply submitted which according to the petitioner would when properly considered secure exoneration as the charges will not stand. The delay in decision-making is affecting his rights and will prejudice the case of the petitioner and his future career. The Punjab Government instructions and various decisions of this Court recognize and confer a right on delinquent/s for speedy justice and conclusions of inquiries without unreasonable delay with decisions made as soon as possible. The petitioner has made a representation dated 12.10.2015 (Annex P-9) to the competent authority to expedite the decision on the reply to the charge-sheet. However, no action has been taken so far.

Mr. Chawla submits on instructions from his client that he would be satisfied if a direction is issued to the respondent to consider and decide the reply to the charge-sheet whether it merits acceptance and dropping of the charge-sheet otherwise.

The prayer is accepted as fair and reasonable. Consequently, without a comment on merits, a direction is issued to the competent authority to consider and decide the reply to the charge-sheet and whether a case is made out for holding a regular enquiry or not. The competent authority is thus directed to take a final decision on the reply to the charge-sheet within three weeks from the date of receipt of certified copy of this order. Since the stage is valuable to the petitioner, he would have a right to be heard effectively before final decision is taken on all the issues raised. This right of hearing flows from the right to file reply to the charge-sheet. In case, the version of the petitioner is accepted and the charge-sheet is dropped, then needless to say the petitioner will be entitled to all consequential benefits including the right of consideration for promotion from the date when juniors were promoted with all consequential benefits.

The petition stands disposed of with the above observations and directions.

30.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE