

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

**CWP No.12209 of 2016**

Date of Decision: 09.08.2016

Mohan Lal

....Petitioner

Versus

State of Punjab and others

....Respondents

***BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY***

Present:- Mr. Ashok Bhardwaj, Advocate  
for the petitioner.

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**DAYA CHAUDHARY, J. (ORAL)**

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing reply dated 27.05.2016 (Annexure P-8), vide which, respondent No.2 has declined to take any disciplinary action against respondent No.3.

Learned counsel for the petitioner submits that the petitioner has been harassed and humiliated by respondent No.3. A complaint was moved by the petitioner against respondent No.3, which was inquired into by the Inquiry Officer and the allegations levelled therein were found to be correct but still no action was taken against him. Simply a warning was issued to him and subsequently, the petitioner was transferred at the instance of respondent No.3. Thereafter, again a complaint was moved by the petitioner against respondent No.3 who, by exercising his influence, again got the petitioner transferred from that place also. A charge sheet was also issued to the petitioner on 13.11.2014, wherein, he was found innocent. A legal notice was also served on 10.03.2016 but no action has been taken against respondent No.2.

Heard the arguments of learned counsel for the petitioner and have also perused the documents available on the file.

A query has been put by the Court to learned counsel for the petitioner as to how this petition is maintainable under Articles 226/227 of the Constitution of India for taking action against respondent No.3. Only on the ground that a false complaint was made and in the charge sheet issued to the petitioner, he was found innocent does not entitle the petitioner to file this petition under Articles 226/227 of the Constitution of India. In case, the charge sheet issued to the petitioner was found to be false and the petitioner was not found to be involved in the case even then he is having no remedy to file this petition. Learned counsel for the petitioner is not in a position to assist the Court as to how this petition is maintainable. In case, the petitioner has been harassed by respondent No.3 in a false manner, whereas, no involvement of the petitioner was there, then he has a remedy to avail any other appropriate remedy under law.

The petition is accordingly dismissed.

**(DAYA CHAUDHARY)**  
**JUDGE**

09.08.2016  
**gurpreet**

Whether speaking/reasoned

Yes

Whether Reportable

Yes