

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

CWP No. 20685 of 2012
Date of decision: 22.03.2016

Sunehra Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Ms. Indu Bala, Advocate, for
Mr. Inderpal Khokhar, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana.

Mr. Neeraj Kumar, Advocate,
for respondent No.4.

Paramjeet Singh Dhaliwal, J. (Oral)

Written statement filed on behalf of respondent No. 4 in
Court today is taken on record.

The instant petition has been filed under Article 226 of the Constitution of India for issuing a writ of mandamus, directing respondents No. 1 to 3 to take action against respondent No. 4 in accordance with law and to conduct inquiry and take departmental action against respondent No. 4 and to recover the entire amount paid to respondent No. 4 on account of salary and other benefits, after his appointment to the post of Pharmacist. A writ of certiorari has also been sought to be issued, thereby quashing appointment of respondent No. 4 as Pharmacist on the ground that respondent No. 4 obtained the appointment by concealing material fact that a criminal case was pending against him at the relevant point of time.

In pursuance of notice of motion, written statement has been filed on behalf of respondents No. 1 to 3. A preliminary submission has been raised by respondents No. 1 to 3 in the written statement, which reads as under:-

“Therefore in view of Government advice dated 08.01.2013 the respondent No. 4 was placed under suspension with immediate effect on 10.01.2013 by respondent No. 2. Moreover, the respondent No. 2 has also initiated disciplinary proceedings against the respondent No. 4 and charge-sheet under rule-7 was issued vide memo No.72/R(273)-1EIII-2013/308 dated 23.01.2013. Therefore, the present writ petition deserves to be dismissed.”

From the perusal of the reply, it is clear that after taking advice from the Government, respondent No. 4 has already been placed under suspension. Moreover, disciplinary proceedings have also been initiated against respondent No. 4 and he has been charge-sheeted.

In view of above, the present petition has been rendered infructuous.

Ordered accordingly.

22.03.2016
PA

(Paramjeet Singh Dhaliwal)
Judge