

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

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**CWP No. 15749 of 2016(O&M)
Date of decision: 21.09.2016**

Sukhwant Singh

.... Petitioner

Versus

Oriental Insurance Company Ltd.

.... Respondent

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Animesh Sharma, Advocate for the petitioner.

Mr. Ahwani Talwar, Advocate for the respondent.

P.B. Bajanthri, J. (Oral)

CM No. 11583 of 2016

This is an application for placing on record Annexures A1 and A2 on record. Heard. Allowed, as prayed for subject to all just exceptions.

Annexures A1 and A2 are taken on record.

CM stands disposed of.

Main case

In the instant petition, the petitioner has sought for the following relief :-

I) Issue a writ in the nature of Mandamus directing the respondent to provide the petitioner his copy of original documents submitted at the time of appointment with respondents, to provide the petitioner with copies of documents pertaining to the enquiry carried on by the respondents regarding charge-sheet served upon the

petitioner on 31.07.2014/19.06.2014 (Annexure P-1) so that he can prepare his defence to the supplementary charge-sheet issued to the petitioner by the respondent on 08.06.2016 (Annexure P-2).

II) Further issue a writ directing the respondent to not to take a final decision or pass any adverse orders against the petitioner till the petitioner is given an opportunity to present his defence on the basis of the documents so demanded.”

2. The petitioner is stated to have been appointed as an Inspector on 21.10.1985. The respondents initiated disciplinary proceedings on 19.06.2014 on the allegations that the petitioner submitted fake graduate decree B.A. certificate from Gautam Budhh Vishwavidhyapeeth, Gaya in 1984. When the Inquiring Officer has submitted his report stating that the charges were not proved pursuant to the same, the disciplinary authority remanded the matter to the Inquiring officer after receipt of fresh materials from the UGC. Now the remanded enquiry is concluded in which the charges are stated to have been held proved and there is a proposal to impose major penalty. The petitioner has not been provided documents demanded by him by the respondent-Insurance company.

3. Learned counsel for the respondent-Insurance Company fairly submitted that documents sought by the petitioner would be supplied to him for his perusal. The petitioner is directed to approach the respondent within a period of one week from today and pursue the documents for the purpose of filing representation/reply on the Inquiring Officer's report, if any. Thereafter, the disciplinary authority after perusal of the reply

statement/contentions raised by the petitioner be considered while passing the final order. These formalities shall be completed by the disciplinary authority within a period of 4 months from today. Till furnishing of demanded documents and furnishing of reply to show cause notice and Inquiry Officer's report, the respondents are directed to not to proceed pass final order. At this stage, learned counsel for the respondent-Insurance Company submitted that the respondent-Insurance Company can supply the documents which are related to the enquiry held against the petitioner. Of course, the petitioner is entitled to documents which were relied by either of the party in the disciplinary proceedings.

4. Accordingly, CWP stands disposed of.

21.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No