

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

CWP No.17231 of 2016

Date of decision:24.8.2016

Bhogi Ram

... Petitioner

Versus

Punjab & Haryana High Court & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J.(Oral)

The following prayers have unfortunately been made in the petition in unparliamentary language by a member of the subordinate court staff serving at Tosham:-

“1) Quashing the Memorandum No.10201 dated 03.09.2015 along with charge sheet issued by Ms. Manisha Batra, the Ld. District & Sessions Judge, Palwal and quashing an inquiry under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rule 1987 read with 12 (2) of the Haryana Subordinate Courts Establishment (Recruitment & General Conditions of Services) Rules, 1997 which was pending before the Court of Sh. Manoj Kumar Rana, Enquiry Officer/Ld. Civil Judge (Jr. Divn.) Faridabad. These letters and memorandum are being violative of Articles 14, 16, 19(1) (a), 21 of Constitution of India and the Hon'ble Supreme Court's and High Court's Judgments in Shreya Singhal Vs. Union of India 2015(5) SCC1, Romesh Thappar Vs. State of Madras, 1950 SCR 594; AIR 1950 SC 124: (1950)

51 CrL LJ 1514: Sakal Papers (P) Ltd. V. Union of India, (1962) 3 SCR 842: AIR 1962 SC 305: Benett Coleman & Co. V. Union of India, (1972) 2 SCC 788; S.Khushboo Vs. Kanniammal, (2010) 5 SCC 600; (2010) SCC (CrL.) 1299, applied, Prem Nath Bali V. High Court of Delhi 2015 SCC online SC 1329, Kusheshwar Dubey Vs. M/s Bharat Cooking Coal Ltd. and ors. (1988) 4 SCC 319, Balakrishna Mahadev Lal Vs. Thr. Gamdevi Police Station on 5th Oct, 2012, Rabindra Nath Singh vs. Rajesh Ranjan alias Pappu Yadav & ors. (2010) 6 SCC 417, Abdul Karim Vs. MK Prakash (1976) 1 SCC 975 and CRM-M 32467 of 2015 Purshottam Dass Soni Vs. State of Haryana and Ajay Hasija Vs. Khalid Mujib. (1981 AIR 487, 1981 SCR (2) 79, RD Shetty Vs. The International Airport Authority of India, Menka Gandhi Vs. Union of India and E.P. Royappa Vs. State of Tamil Nadu.

ii) It is also prayed that this Hon'ble Court may initiate action under Criminal Contempt on its own motion against Ms. Manisha Batra, the Ld. District & Sessions Judge, Palwal for not providing stationery at Sub-Division Judicial Court Complex, Hodal, thus interfering and obstructing in the administration of justice.

iii) It is also prayed that this Hon'ble Court may initiate action under Criminal Contempt on its own motion against Sh. Inderjeet Mehta and the enquiry officer Sh. Manoj Kumar Rana, the Civil Judge, (Jr. Divn.) Faridabad because they continued the proceedings in the enquiry after a period of six months without asking for any extension based on the administrative letter issued

by the Hon'ble Punjab and Haryana High Court and judicial decision given by the Hon'ble Supreme Court of India. Thus having no jurisdiction to continue the enquiry, it being a nullity, thus interfering and obstructing in the administration of justice.

iv) Any other relief which this Hon'ble Court may deem fit.”

The petitioner is posted as Examiner at Tosham in Sessions Division, Bhiwani. He has been issued several charge-sheets for major misconduct under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules 1987 [stated to be 12 in number] which are pending at different stages for commission of misconduct committed while posted in Palwal and Ferozepur, Jhirka, subordinate Courts one of which is questioned in this petition.

The present petition challenges the charge-sheet in one of the inquiries initiated for major misconduct against him seeking directions to quash the pending proceedings and the charge docket by a writ of certiorari on the several grounds taken in the petition.

I have heard his counsel.

No ground whatsoever is made out to interdict the inquiry proceedings at a premature stage and to terminate them by writ of certiorari. Prayers 2 and 3 are so reprehensible in character that this Court has very serious doubt whether such a person should continue in service in the judicial institutions he serves in the ministerial staff. I am really shocked at the audacity and the gumption of the man making prayers in (ii) & (iii) above against Judicial Officers and mentioning the name of the

Judge in prayer (i).

I would say no more in the face of pending inquiry for major misconduct as the law will take its course without the inquiry officers being influenced by the dismissal of this case and would continue to conduct the proceedings in free and fair domestic trials and reasonable opportunity to the petitioner to defend himself. The inquiries may be endeavoured to be completed as soon as practicable.

But for the moment I have no other option in view of the pleadings and the prayers made coming from an employee of the subordinate Courts except to dismiss this petition at the threshold with ₹10,000/- as costs, to be paid by the petitioner to the Haryana State Legal Services Authority. I had half a mind to dismiss the petitioner from service by a judicial order passed straightaway when I read the petition but self restraint dictates otherwise. The petitioner may have every right to defend himself tooth and nail and prove his innocence of the charge but not through provocative and scurrilous pleadings and prayers as presented which may alone and independently constitute misconduct of the grossest kind. It is for this reason I have reproduced his prayers to remind him not to venture to do so again.

(RAJIV NARAIN RAINA)
JUDGE

24.8.2016
monika

Whether speaking/reasoned

Yes

Whether Reportable:

Yes