

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 19975 of 2016 (O&M)

Date of Decision: 26.09.2016.

Bharat Singh

--Petitioner

Versus

Registrar, Cooperative Societies
and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Singal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

As per pleadings on record, petitioner is serving as Secretary with the Jhajjar Central Cooperative Bank Ltd., Jhajjar.

Challenge in the instant petition is to the charge sheet dated 25.2.2010 (Annexure P-2), an inquiry report dated 11.11.2011 (Annexure P-4) as also to the show cause notices dated 30.5.2012 (Annexure P-5) and 18.12.2012 (Annexure P-7).

Counsel for the petitioner has been heard.

Disciplinary proceedings were initiated against the petitioner by virtue of issuance of the impugned charge sheet dated 25.2.2010 (Annexure P-2). Inquiry Officer having been appointed, findings were returned in the light of an inquiry report dated 11.11.2011 (Annexure P-4). Two show cause notices have emanated in pursuance to the findings returned by the Inquiry Officer and against the petitioner i.e. dated 30.5.2012 (Annexure P-5) in terms of which the major penalty of dismissal from service is contemplated and the second show cause notice is dated 18.12.2012 (Annexure P-7), whereby a recovery of Rs.12,50,000/- is proposed.

It stands conceded by counsel that the petitioner has submitted the replies to both the show cause notices at Annexures P-5 and P-7 but till date no final order has been passed.

During the course of arguments, counsel has not raised any submission with regard to the initiation of departmental proceedings against the petitioner in the light of charge sheet dated 25.2.2010 (Annexure P-2) to be bad in law. It is not the case set up that the impugned charge sheet was issued by an authority who was not competent to do so or that the initiation of departmental proceedings is vitiated on account of malafides. It is also not the case that the charges contained in the charge sheet dated 25.2.2010 are not even made out on the face of it based on the allegations/accusations contained therein.

Under such circumstances, there would be no occasion for this Court to intervene and to set aside the charge sheet that had been issued and served upon the petitioner six years back. The impugned inquiry report as also show cause notices are in pursuance to the charge sheet that had been issued in the year 2010. The petitioner having responded to the impugned show cause notices, no final order as of date has been passed.

In the totality of circumstances, there would be no basis to warrant interference in the matter.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.09.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No