

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

CWP No. 20997 of 2015
Date of Decision: 07.11.2016

SATISH RATHEE

... Petitioner

VS.

STATE OF HARYANA & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Anil Rathee, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana

KULDIP SINGH, J. (Oral)

The petitioner has preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of mandamus/certiorari for quashing the charge-sheet dated 11.06.2008 (*Annexure P-2*) and subsequent proceedings pending in view of the judgment dated 13.12.2013 (*Annexure P-3*) passed by Ld. Additional Sessions Judge, Gurgaon in case FIR No. 18 dated 12.03.2008 (*Annexure P-1*) under Section 7, 8 and 13 of Prevention of Corruption Act.

Brief facts of this case are that the petitioner who worked as Assistant Food and Supply Officer with the respondent-department retired from service on 31.03.2012 from the post of District Food and Supply Officer. It comes out that during his service, he was booked in FIR No. 18 dated 12.03.2008 registered under Sections 7, 8 and 13 of Prevention of Corruption Act, at Police Station, Vigilance Bureau Gurgaon. Simultaneously, he was served with a charge-sheet on 11.06.2008 in which enquiry was conducted. It is stated that vide judgement dated 13.12.2013 (*Annexure P-3*) passed by Ld.

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Additional Sessions Judge, Gurgaon in the above noted FIR, the petitioner has been acquitted. It is further stated that above mentioned judgement was produced during enquiry proceedings and the arguments in the enquiry were concluded vide order dated 02.04.2014 (*Annexure P-9*). It is stated that since then no order has been passed by the competent authority on the said enquiry report and on that pretext all the retiral benefits of the petitioner has been withheld. Though, in the petition, the prayer is for quashing of charge-sheet. However, at this stage, the short prayer made by the petitioner is that the respondent-department should be directed to pass the order on the enquiry report and pass necessary orders regarding release of retiral benefits to the petitioner.

In view of the matter, the petition is disposed of with direction to respondent No. 1 to pass a final order on the enquiry report which was concluded on 02.04.2014 within two months from the date of receipt of the copy of this order. In addition, the competent authority is also directed to pass the order regarding release of retiral benefits to the petitioner in accordance with law.

November 7, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>