

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

CWP-6672-2013 (O&M)

Date of decision : 05.04.2016

Raghubir Singh

..... Petitioner

Vs

State of Haryana & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Surender Dhull, Advocate,
for the petitioner.
Mr. P.P. Chahar, DAG, Haryana.
Mr. Inder Pal Goyat, Advocate,
for respondent No.4.

Rakesh Kumar Jain, J. (oral)

The prayer made in this petition is for issuance of a writ in the nature of mandamus directing the respondents to initiate action against respondent No.4 under Rule 7 of the Haryana Civil Services Rules (Punishment & Appeals) 1987 (hereinafter referred to as 'the Rules').

Learned counsel for the State has submitted that the action under Rule 7 of the Rules has already been initiated against respondent No.4 as a departmental enquiry has already been held. A report has been submitted to the punishing authority and the matter is pending for taking final decision.

The petitioner has also prayed that respondents No. 2 & 3 shall register FIR against respondent No.4. In this regard, respondents No. 2 & 3 in para 7 of their reply have averred that decision in respect of lodging of FIR against respondent No.4

had already been taken by respondent No.2 vide letter No. 7328/E1B dated 15.11.2012 but respondent No.4 filed a writ petition No. 22960 of 2012 against the decision dated 15.11.2012, in which notice of motion has been issued by this Court, therefore, FIR has not been registered and decision regarding registration of FIR is kept in abeyance. It is, however, submitted by learned counsel for the State that there is no stay in the said case but the fact remains that the decision for lodging FIR against respondent No.4 had already been taken by respondent No.2 but respondent No.4 filed a writ petition against the decision dated 15.11.2012, in which notice of motion has been issued, therefore, FIR has not been registered.

Since the matter is sub judice before this Court and decision regarding registration of FIR has been kept in abeyance, thus, there is no fault on the part of the respondent-State in regard to non-registration of FIR against respondent No.4. However, in case the writ petition No. 22960 of 2012 filed by respondent No.4 is dismissed, respondent No.2 & 3 shall initiate proceedings in respect of lodging FIR against respondent No.4 in view of letter No. 7328/E1B dated 15.11.2012.

With the above observation, the present petition is disposed of.

(RAKESH KUMAR JAIN)
JUDGE

05.04.2016

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