

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

CWP No. 4323 of 2016

Date of decision: 3.3.2016

Yadwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

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

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner has approached this Court to expedite the conclusion of the disciplinary proceedings instituted by charge sheet served on him in 2008 for misconduct. The disciplinary proceedings have led to an inquiry report which has gone in his favour. He has been absolved of the charges levelled against him. He has been proved innocent of the misconduct alleged. However, the petitioner can be considered 'exonerated' only when the disciplinary authority passes an order on the inquiry report either agreeing or disagreeing with the findings recorded by the inquiry officer. Therefore, the fate of the petitioner is left hanging without conclusion even if he was in service. If he has retired from service that should not be a circumstance against him, as they say out of sight, out of mind.

2. Every citizen has a right to speedy trial and for conclusion of adverse action underway against him one way or the other and therefore,

the petitioner's request to the Court is justified that a direction should go to the disciplinary authority in the respondent-Department of Local Government, Punjab, Chandigarh, to take a final decision on the inquiry report. As a result, this petition is accepted to the extent that a mandamus is issued to the State/decision-maker to take a final decision on the inquiry report. In case, the disciplinary authority agrees with the finding of the inquiry officer, there would neither be occasion nor necessity to pass a speaking order or to personally hear the petitioner and a mere office order can be issued putting in end to the petitioner's troubles. However, in case the disciplinary authority thinks fit to enter a dissent note then it shall follow the law in the Punjab Civil Services (Punishment and Appeal) Rules 1970 and the procedure prescribed therein demanding recording brief reasons of disagreement and then to call for a defence statement/reply and take the proceedings to a logical conclusion. In case hearing is found necessary at the present stage then opportunity be given and the case be finalized within two months from the date of receipt of a certified copy of this order and the decision made be duly conveyed to the petitioner.

(RAJIV NARAIN RAINA)
JUDGE

3.3.2016
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