

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15891 of 1998
Date of Decision:-26.04.2017.

Udai Bhan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has questioned the validity of various orders passed in the disciplinary proceedings. The disciplinary authority-Superintendent of Police, Narnaul has imposed the penalty of censure. Consequently, aggrieved by the order of disciplinary authority, the petitioner has preferred an appeal before the appellate authority. The appellate authority rejected the petitioner's appeal. Thus, the present petition. Short undisputed question for consideration in the present petition is that the petitioner has been exonerated by the Inquiry Officer. After receipt of the Inquiry Officer's report by the disciplinary authority, the disciplinary authority while disagreeing with the Inquiry Officer's report proceeded to impose the penalty of censure. In other words, the petitioner has not been given an opportunity while disagreeing with the Inquiry

Officer's report. Consequently, the proceedings from the imposition of penalty and rejection of the petitioner's appeal are liable to be set aside. Accordingly, the same are set aside.

Petition stands allowed. Reserving liberty to the disciplinary authority to proceed from the defective stage, namely, issuance of show cause notice if the disciplinary authority is disagreeing with the Inquiry Officer's report and proceed further after receipt of reply to such show cause notice.

(P.B. BAJANTHRI)
JUDGE

April 26, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.