

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14333 of 2016
Date of Decision:-04.07.2017.

Harmeet Singh Nazir

.....Petitioner

Versus

High Court of Punjab and Haryana and others

.....Respondents

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

Present: Mr. R.S. Bains, Advocate for the petitioner.

None for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

In the present case, petitioner has questioned various actions arising out of disciplinary proceeding upto the stage of issuance of second show cause notice on the ground that the very charge issued to the petitioner does not fall under Rule 7, 8 and 19 of the Punjab Government Employees' Conduct Rules, 1966. Petitioner would have an opportunity before the disciplinary authority for consideration of his grievance relating to the fact that the charge alleged against the petitioner does not fall under Rule 7, 8 and 19 of the Conduct Rules, 1966 (supra). Therefore, this Court cannot entertain the petition in respect of disciplinary action relating to issuance of show cause notice, charge-sheet and Inquiry Officer's report. Time and again Supreme Court has held that Court cannot interfere in respect of initiation of disciplinary proceedings. It was also observed that Court can

interfere only on the ground of competency and *mala fide*. Since the petitioner has not urged either of the ground in the present petition, therefore, petition is premature. Accordingly, petition stands rejected. Reserving liberty to the petitioner to make necessary additional reply to the second show cause notice, if any within a period of 6 weeks from today. If such additional reply if any submitted in support of his reply to the second show cause notice and on the Inquiry Officer's report, the disciplinary authority is hereby directed to consider the same and pass final order in the disciplinary proceedings irrespective of filing additional reply within a period of 3 months from today in accordance with law.

With the above observations, petition stands dismissed.

At this stage, learned counsel for the petitioner submitted that he has urged *mala fide* against respondent Nos.2 and 3. Perusal of allegations made against those persons, it is evident that the allegations are prior to framing of charge. That apart framing of charge is relating to only of uploading of certain things in the Youtube and not relating to missing of the file. Further perusal of records, it is evident that petitioner is non-cooperative in the disciplinary proceedings from the date of issuance of charge memo and he had ample opportunity in the disciplinary proceedings to summon respondent Nos.2 and 3 for examination and cross-examination, the same was not availed. Hence, ground of *mala fide* against respondent Nos.2 and 3 are hereby rejected.

(P.B. BAJANTHRI)
JUDGE

July 04, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.