

CWP No.22436 of 2013

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

**CWP No.22436 of 2013
Date of decision:31.10.2017**

Dr. B.A.Vaid

... Petitioner

Vs.

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Arun Gosain, Advocate
for respondent-UOI.

Ms. Guninder Kaur Gill as Intervener.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227, the petitioner has approached this Court seeking quashing of the impugned charge sheet dated 28.06.2013 served on 01.07.2013 (Annexure P-17) and suspension order dated 04.01.2013 (Annexure P-9) appended alongwith show cause notice dated 15.05.2012 (Annexure P-7), with a further prayer to direct the respondents to quash the impugned order dated 22.08.2013 (Annexure P-23) vide which the Central Administrative Tribunal (for short the CAT) rejected the claim of the petitioner being pre-mature and not a fit case for judicial interference.

2. The CAT, vide interim order dated 25.06.2013, had directed the applicant-petitioner to be reinstated forthwith. In pursuance thereto, the petitioner had submitted the joining report on 25.06.2013 which was forwarded to the higher authorities for approval and in the meantime, the petitioner had retired on 30.06.2013 after attaining the age of superannuation. Accordingly, it was observed that the relief regarding suspension of the petitioner had become infructuous and the final decision regarding the period of suspension was to be taken by the competent authority as per the concerned rules.

3. It was pointed out by learned counsel for the parties that this Court, on 11.12.2013, had directed that the inquiry proceedings shall be adjourned beyond the next date of hearing. Accordingly, it was not disputed by learned counsel for the parties that since no reply to the charge-sheet had been filed, therefore, question of appointing an inquiry officer did not arise at all.

4. In view of above factual position, learned counsel for the petitioner submitted that he may be permitted to withdraw the present writ petition with liberty to file reply to the charge sheet by taking all the pleas which have been raised in the present writ petition. It was further prayed that a time bound direction be issued to the respondents to adjudicate the matter as expeditiously as possible.

5. After hearing learned counsel for the parties and perusing the averments made in the petition and without expressing any opinion on the merits of the controversy, we dispose of the writ petition by permitting the

petitioner to file a detailed and comprehensive reply to the charge-sheet by raising all the pleas as have been sought to be raised in the present writ petition. In case such reply to the charge sheet is filed, the same shall be decided by the respondent-authorities after affording an opportunity of hearing to the petitioner and by passing a speaking order in accordance with law. However, it is clarified that respondents shall decide the matter as expeditiously as possible.

6. In view of the disposal of main writ petition, no separate orders are called for in C.M.No.17385 of 2013 and the same is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 31, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No