

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

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CWP No.20182 of 2014

Date of decision: 19.12.2017

R.K.Sharma

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Gaurav Singla, Advocate, for
Mr.Sanjiv Gupta, Advocate, for the petitioner.

Mr.Harish Rathee, Sr.DAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks setting aside of the impugned charge-sheet dated 04.12.2013 (Annexure P-14), whereby the respondents have proposed to take action under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rule, 1987 (for short, the '1987 Rules'). A perusal of the statement of allegations would show that the petitioner had extended undue benefits to four Group-D employees, who are Pump Attendants/Mali-cum-Chowkidar, due to which, loss had been caused to the tune of Rs.2,05,823/-. Petitioner filed his reply dated 06.01.2014 (Annexure P-15) regarding the charge-sheet, that the same may be dropped. The challenge raised is on the basis of proceedings in CWP-19131-2012.

The said four Group-D employees had challenged the refixation before this Court in CWP-19131-2012. A perusal of the said paperbook would go on to show that the challenge was made by the said employees, solely on the ground that re-fixation of pay had been done, without following the principle of natural justice, on which account, the writ was allowed on 20.04.2017, with liberty to the respondents to issue show cause notice to the said employees. The review petition was also dismissed on 24.11.2017.

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In such circumstances, it is for the State to act upon the reply filed by the petitioner, as to whether it wants to proceed departmentally and go ahead with the proceedings, issued under Rule 7 of the 1987 Rules.

Resultantly, there is no legal right, as such, of the petitioner to challenge the said proceedings, since no ground has been taken that the same are *mala fide* or suffer from lack of jurisdiction. The said issue is to be factually sorted out at the departmental level, firstly, in any manner. Accordingly, finding no merit in the present writ petition, the same is, hereby, dismissed.

19.12.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*