

CWP-16002 of 2017 :1:

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

**CWP-16002 of 2017
Date of Decision: 24.07.2017**

Santokh Singh Randhawa ... Petitioner

Versus

State of Punjab & Ors. ... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. Avinit Avasthi, AAG, Punjab.

....

TEJINDER SINGH DHINDSA.J.

Pleadings on record indicate that the petitioner who was serving as Sub Divisional Engineer with Water Supply & Sanitation Department, State of Punjab was proceeded against departmentally under the Punjab Civil Services (Punishment and Appeal) Rules 1970.

Challenge in the instant petition is to the inquiry report dated 07.11.2016 at Annexure P-3 furnished by the Inquiry Officer. Further prayer made in the petition is to direct the official respondent to take a decision on legal notice dated 12.06.2017 at Annexure P-7 that has been got served by the petitioner.

A perusal of the impugned inquiry report reveals that the petitioner had submitted his resignation on 25.09.2012 along with one month pay by way of a draft for Rs.60,000/-. Resignation was duly accepted by the Government w.e.f. 26.09.2012 itself. Subsequently petitioner submitted representations for withdrawal of his resignation on domestic grounds. Even such request was acceded to by the Government vide order

dated 14.03.2013 under Rule 7.5 of the Punjab Civil Services Rules- Volume-I with immediate effect and the intervening period i.e. 26.09.2012 to 14.03.2013 was directed to be treated as leave of the kind due.

Apparently the petitioner thereafter did not join duty.

He was even assigned different places of posting. In spite of notice having been issued, the petitioner is alleged to have not joined duty.

Against such, factual backdrop departmental proceedings were initiated on the allegations/charge of willful absence and contravention of the rules governing services.

The inquiry proceedings have culminated in the furnishing of a inquiry report dated 07.11.2016 at Annexure P-3.

The contention raised by learned counsel representing the petitioner is that at no point of time was the requisite order directing him to join duty served upon him after his request for withdrawal of resignation having been accepted.

Even if such contention raised by counsel is accepted at its face value the fact remains that the matter is pending at the stage of furnishing an enquiry report dated 07.11.2016.

In the pre lunch session Mr. Avinit Avasthi, AAG, Punjab had been directed to complete instructions in the matter.

During the course of resumed hearing learned State counsel on instructions from Kulwinder Singh Senior Assistant Water Supply Department apprises the Court that no further proceedings have taken place after furnishing of the inquiry report dated 07.11.2016.

Learned State counsel takes a categorical stand that in case the petitioner submits his objections to the inquiry report dated 07.11.2016, the

same would be considered by the disciplinary authority/competent authority within a period of 4 weeks from the date of submission of the same and further orders would be passed in accordance with law.

Learned counsel representing the petitioner submits that he has no objection to such course of action being followed.

As such, while declining to interfere in the instant petition, the same is disposed of in terms of granting liberty to the petitioner to file objections, if any, against the inquiry report dated 07.11.2016 at Annexure P-3 within a period of 4 weeks from today. In the eventuality of any such objections being filed, the disciplinary authority/competent authority would consider the same and thereafter, pass orders as it may be deemed fit and warranted in accordance with law within a further period of two months.

Disposed of.

24.07.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No