

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

CWP No.21785 of 2015

Date of Decision:13.02.2017

Sandeep Yadav

... Petitioner

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. Shranav Katyal, Advocate for the petitioner.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has sought for quashing the charge-sheet dated 11.9.2009 (Annexure P-5) on the ground that inquiry is based on the FSL report and the FSL report is not in accordance with law. Therefore, charge-sheet has to go. Further it was submitted that due to the pendency of the disciplinary proceedings, name of the petitioner for promotion to the higher post is being deferred.

On the other hand, learned counsel for the respondents-State resisted the claim of the petitioner contending that it is a matter of inquiry. No prejudice is caused to the petitioner insofar as initiation of inquiry and it is a premature petition.

Heard learned counsel for the parties.

Challenge to the charge-sheet in the present petition is on the ground that it is not in accordance with FSL report etc. Charge-sheet can be interfered by the Court only on the ground of competency, mala fide and vagueness of the charges. None of the above contention are urged in the present petition. Therefore, charge-sheet cannot be interfered by this Court.

Insofar as other contention inquiry is coming in the way of promotion of the

petitioner is concerned, it is to be noted that the charge-sheet was issued on 11.9.2009 and the matter is pending consideration. Having regard to these facts and circumstances, no interference is called for in respect of charge-sheet dated 11.9.2009.

Accordingly, petition stands dismissed. However, dismissal of this petition would not come in the way of the respondents to proceed with the inquiry initiated on 11.9.2009 and complete the inquiry within a period of six months from today. The petitioner is directed to co-operate in the disciplinary proceedings.

13.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No