

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.17856 of 2017 (O&M)

Date of decision:1.9.2017

Manjeet and another

... Petitioners

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.F.S.Virk, Advocate,
for the petitioners

...

AMOL RATTAN SINGH, J. (Oral)

CM No.11220 of 2017

Pursuant to the order dated 11.8.2017, this application has been filed, seeking to place on record the list of witnesses sought to be examined by the prosecution in the criminal proceedings pending against the petitioners. The application is allowed and the list of witnesses annexed as Annexure P-10 is taken on record.

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By this petition, the petitioners seek quashing of the impugned charge sheet and the order dated 16.12.2016, by which a departmental enquiry has been ordered to be initiated against the petitioners on various charges contained in Annexure P-3.

Learned counsel for the petitioners on the last date of hearing had argued that since criminal proceedings are also pending against the

petitioners on the same cause of action (as contended), the disciplinary proceedings would prejudice the petitioners in the criminal proceedings. Consequently, he having been directed to place on record the list of prosecution witnesses as are still be examined in the criminal proceedings against the petitioners, as also the list of witnesses to be examined in the disciplinary proceedings, a list of 17 witnesses has been placed on record as Annexure P-10, with the list of witnesses to be examined in the disciplinary proceedings already being given as part of Annexure P-3.

From the list, it is seen that at least one common witness, i.e. Sandeep Goyal son of Hari Parkash, has been shown by the name, who is to be examined in criminal proceedings as also in the disciplinary proceedings. However, the other witnesses, as are to be examined in the disciplinary proceedings, are shown by designation, i.e. one "Army Clerk" in the office of the Superintendent of Police, Rohtak, a Conduct Registration Clerk in the same office and the Investigating Officer.

Consequently, this petition is disposed of with a direction that in the disciplinary proceedings, the common witnesses as are to be examined in the criminal proceedings, be not examined, till their examination is complete in the criminal proceedings. However, the disciplinary proceedings may otherwise continue.

As regards the quashing of the impugned charge sheet itself, nothing has been pointed out by learned counsel for the petitioners by which such proceedings deserve to be quashed, without taking them to their logical conclusion, whatever it may be.

However, the aforesaid observation of this Court will not be

construed by the respondents to mean that this Court has made any observation against the petitioners, as regards the actual charges against them. Obviously, whether such charges are ill-founded or are correct, would be seen in the disciplinary proceedings, by the Enquiry Officer and the authority concerned.

1.9.2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No