

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

CWP No.3380 of 2016

Date of Decision:17.04.2017

Vinod Kumar Malik

... Petitioner

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. Gaurav Tyagi, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has questioned the validity of charge-memo dated 20.7.2012 (Annexure P-3) and further sought for direction for grant of 2nd ACP w.e.f. 1.10.2012 so also for payment of salary for certain period and promotion to the post of Principal w.e.f. 7.11.2014.

Undisputedly, the petitioner is subjected to disciplinary proceedings vide order dated 20.7.2012 (Annexure P-3). Therefore, the petitioner is not entitled for any consequential benefits as long as he has not been exonerated in disciplinary proceedings. Insofar as challenge to charge-memo dated 20.7.2012 (Annexure P-3), the petitioner has not made out a case. Consequently, he is not entitled for quashing the charge-sheet dated 20.7.2012 (Annexure P-3)

Learned counsel for the petitioner submitted that the petitioner is due for retirement and allegations are relate back to 2005 to 2007 and charge sheet has been filed in the year 2012. Therefore, on the ground of delay, charge-memo is to be set aside.

Heard learned counsel for the petitioner.

The petitioner has not made out a case insofar as challenge to

charge-memo dated 20.7.2012 (Annexure P-3). Even though, there is a delay in initiation of enquiry, the allegations are relating to financial irregularities. Supreme Court held that if financial irregularities are part and parcel of charges in that event on the ground of delay court cannot interfere with charge memo. Moreover, petitioner has not urged ground of competency, charges are vague or malafide. Thus, no interference is called for. The respondents are hereby directed to complete the disciplinary proceedings within a period of four months from today.

With the above observation, the petition stands disposed of.

17.04.2017

rajeev

(P.B. Bajanthri)

Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No