

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 8347-2015 (O&M)
Date of decision: 19.04.2017

Meera Wadhwa

.....Petitioner

versus

Haryana Financial Corporation and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.J.K.Goel, Advocate for the petitioner
Mr.Jugraj Kapoor, Advocate for
Mr.Amar Vivek, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Petitioner Meera Wadhwa Manager in the Branch Office of the respondent – Haryana Financial Corporation was issued a memorandum on 8/13.9.2011 (Annexure P1) to explain as to why she did not get the mutation effected in the revenue record regarding the collateral security in case of loan sanctioned to one M/s Shakti Iron & Steel Works, Rohtak. She submitted the reply dated 15.11.2011 (Annexure P2). Thereafter, the inquiry officer, after going through the record, submitted the inquiry report dated 13.5.2013 (Annexure P3), stating that there is no fault on the part of the petitioner and disciplinary action may not be taken.

It comes out that after going through different processes, the matter was referred back to the said inquiry officer, who was asked to again look into the matter. He again looked into the matter and vide report dated

2.4.2014 (Annexure P7) again reiterated his earlier report.

It appears that the respondent Corporation was not satisfied. Therefore, it issued a charge sheet dated 21.4.2014 (Annexure P12). The petitioner was due to retire on 30.4.2014. Petitioner seeks quashing of the said charge sheet on the ground that it is illegal and misuse of process of law.

The perusal of the charge sheet dated 21.4.2014 (Annexure P12) shows that it is on the allegations that the petitioner did not get the mutation/ red entry effected in the revenue record in respect of Collateral Security offered by Dalip Singh sole proprietor of M/s Shakti Iron & Steel Works, Rohtak.

Written statement of the respondents shows that according to the respondents, earlier inquiry was a preliminary inquiry and now a regular inquiry is being held.

On the other hand, learned counsel for the petitioner has argued that earlier the detailed inquiry was held and the second inquiry is nothing but misuse of process of the law. It is further argued that the mortgage deed was executed on 9.12.1996 and the owner is stated to have sold the same in the year 1999. The Corporation filed a civil suit which was decreed and ultimately, the entry has been made in the revenue record.

After going through the inquiry report (Annexure P3), followed by (Annexure P7), I am of the view that earlier only memorandum was issued, where explanation was sought. Annexure P3 and Annexure P7 shows that the inquiry officer merely examined the record. It was not a regular inquiry, rather it was a preliminary inquiry. The department or the present petitioner were not asked to lead evidence. Now, the present

memorandum dated 21.4.2014 (Annexure P12) is in the form of charge sheet under Regulation 41(1) of Punjab Financial Corporation (Staff) Regulation, 1961 (as applicable to Haryana Financial Corporation). The Regulation provides for imposition of various penalties, which includes reprimand, delay or stoppage of increment or promotion, degradation to a lower post or to a lower stage in his incremental scale, recovery or removal or dismissal. The inquiry was initiated before the retirement of the petitioner. Therefore, it cannot be said that the earlier inquiry (Annexure P3) was a regular inquiry. After holding the preliminary inquiry, the department is always competent to order for regular inquiry. Therefore, apparently, there is no misuse of process of law. Therefore, at this stage, there is no ground to quash the charge sheet dated 21.4.2014 (Annexure P12).

It being so, the present writ petition is dismissed. However, keeping in view the fact that the petitioner has already retired from service on 30.4.2014, the respondents are directed to conclude the inquiry within six months from the date of receipt of a certified copy of this order.

19.04.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No