

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

-.-
C.W.P No. 4444 of 2017 (O&M)
Date of decision : May 08, 2017

Jai Inder Pal Rana

... Petitioner

versus

The New India Assurance Co. Ltd. & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishal Munjal, Advocate, for
Mr. Sunil Agnihotri, Advocate, for the petitioner.

Mr. Ashwani Talwar, Advocate, for the respondents.

RAJIV NARAIN RAINA, J

C.M No. 6886 of 2017

Application is allowed. Written statement filed on behalf of the respondents is taken on record.

C.W.P No. 4444 of 2017

1. The challenge in this petition is to an order placing the services of the petitioner under suspension on 22.10.2012.

2. Looking to the contents of the written statement filed by the New India Assurance Company Ltd. and read out in its material part by Mr. Talwar in Court during the hearing and noticing the *prima facie* conduct of the petitioner under charge sheet to stymie the enquiry proceedings by resort to objectionable means to protract the disciplinary proceedings, the interim order dated March 06, 2017 suspending the operation of suspension order dated October 22, 2012 does not deserve to continue in the facts and circumstances of the case as presently explained by Mr Talwar. Further operation of stay order would not be justified in view of the factual position

brought out by the respondent company. I am afraid, there is not even a whisper of the material facts as revealed in the written statement in the body of the writ petition, when those facts were important and should have been candidly disclosed to the Court in katcha peshi and therefore, the interim prohibition granted by the Court on March 06, 2017 deserves to be withdrawn suo motu, which when ordered will revive the operation of order dated October 22, 2012 pending disciplinary proceedings or till the employer deems fit to discontinue.

3. On sage counsel received and acquainted with the other side of the story I would refrain from entertaining the petition for a moment longer, after hearing the parties, since the full picture was not disclosed when the interim order was passed. It may be noted that the interim order was a prima facie reaction to the enquiry pending for five years which appeared to me unfair as every citizen has a right to speedy trial when he is not the architect of the delay and enquiry proceedings lingering on.

4. In view of the vacation of ad-interim measure granted ex parte in favour of the petitioner, there appears to be no point to keep this petition pending by an adjournment sought tenaciously by the counsel for the petitioner today in the oral address since the main petition can be disposed of conveniently with liberty to the petitioner to associate himself with the enquiry and help in finalizing the domestic proceedings without prevarication. Accordingly, the respondent-company would conclude the proceedings within three months as substantial ground must already have been covered by now.

5. The petitioner would appear in the Regional Office of the

respondent Company at Ludhiana on May 15, 2017 at 11.00 a.m. The enquiry officer would hold the remaining enquiry without granting any adjournments at the asking of the petitioner. Needless to say the enquiry would, as he should, act fairly and impartially in making his report.

6. As a result, the petition stands disposed of as above without expressing any opinion of the merits of the case to avoid causing any prejudice to the parties.

May 08, 2017
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned- Yes
Whether reportable- No