

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

CWP No.5128 of 2017

Date of Decision:15.03.2017

Bhogi Ram

... Petitioner

Vs.

Punjab and Haryana High Court and others

... Respondents

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

Present : Mr. Sanjeev Sharma, Advocate for the petitioner.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has questioned the initiation of inquiry vide memo dated 3.9.2015 alongwith charge-sheet (Annexure P-19) issued by the learned District and Sessions Judge, Palwal while invoking Rule 7 of Haryana Civil Services (Punishment & Appeal) Rule 1987 read with Rule 12(2) of the Haryana Subordinate Courts Establishment (Recruitment & General Conditions of Services) Rules, 1997.

The petitioner is stated to be working in Sessions Division, Bhiwani. Therefore, whether inquiry initiated by Sessions Judge, Palwal could be transferred to Sessions Judge, Faridabad or not? The petitioner has not questioned the transfer of the disciplinary proceedings. What has been challenged is initiation of inquiry. If an employee questions the initiation of inquiry, the Court can interfere only if any mala fide, vagueness of charges or competency are involved. None of the grounds are urged in the petition insofar as challenge to disciplinary proceedings.

At this stage learned counsel for the petitioner submitted that there is violation of natural justice. He has not specifically pointed out how natural justice has been violated in initiation of inquiry so as to interfere in the inquiry proceedings. Supreme Court time and again held that insofar as

initiation of inquiry is concerned, Court should not interfere unless and until inquiry proceedings are challenged on the ground of mala fide, vagueness of charges or competency. Therefore, the petitioner has not made out a case so as to interfere with the memo dated 3.9.2015 (Annexure P-18) and charge-sheet (Annexure P-19).

Petition stands dismissed.

15.03.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**