

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.6983 of 2017

Date of decision:14.12.2017

Ramesh Chand and others

... Petitioners

versus

State of Haryana and others

... Respondents

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

Present: Mr.Tara Chand Dhanwal, Advocate,
for the petitioners
Mr.Hitesh Pandit, Addl.AG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

Mr.Pandit, learned Addl.A.G., Haryana, after perusing the original file pertaining to the inquiry/disciplinary proceedings against the petitioners, submits that, as a matter of fact, the statement of Sh.Jagdish Rai, Deputy Superintendent of Police, Shahabad, was recorded in such proceedings on 28.02.2017, i.e. before the order of this Court dated 03.04.2017, by which departmental proceedings have been stayed, and further, that the statement of Sh.Raj Singh, DSP, was never recorded in the enquiry proceedings.

He further submits that, as a matter of fact, the enquiry report was submitted by the Enquiry Officer to the competent authority on 06.04.2017, after which no decision was taken thereon, in view of the aforesaid order of this Court dated 03.04.2017, which order was actually received by the respondents on 07.04.2017.

That being so and one of the common witnesses shown to have

already been examined in the disciplinary proceedings, i.e. Sh.Jagdish Rai, DSP, though with him still to be examined in the criminal proceedings against the petitioners, as a matter of fact, I do not see any reason to continue further with the petition. His testimony already being on record in the disciplinary proceedings, naturally that process cannot be reversed. Hence, no prejudice can now be caused to the petitioners by proceeding with the disciplinary proceedings, even pending their trial in criminal proceedings.

It may also be again noticed here that the other common witness to both criminal and disciplinary proceedings, Sh. Raj Singh, DSP, not having been examined in the enquiry proceedings at all, with the enquiry proceedings concluded, but with the order of the competent authority thereafter not having been passed in view of the order of stay by this Court dated 3.4.2017, the question of now examining Raj Singh in disciplinary proceedings obviously does not arise.

That being so, the petitioners would not be prejudiced in the criminal proceedings by the testimony of Sh.Jagdish Rai, DSP, with the trial Court in the criminal proceedings naturally not to look at the testimony of the said witness in the disciplinary proceedings unless, of course, it is wholly contrary in the criminal proceedings in which case any aggrieved party would be taking appropriate remedies.

Therefore, the disciplinary proceedings may now continue to their logical conclusion, with the competent authority passing a speaking order as it deems fit. However, naturally, if any such order is passed to the detriment of the petitioners, that would not influence the trial Court in any

manner whatsoever, as regards the criminal proceedings, which would naturally continue wholly and completely in terms of the evidence led before the trial Court.

It is however made clear that before the competent authority takes a final decision in the disciplinary proceedings pursuant to the inquiry report stated to have been submitted, a copy thereof shall be supplied to the petitioners and any show cause notices thereafter to be issued to them, if the competent authority is of the view that matter is to be proceeded with further, shall be duly issued and served upon them.

The petition is disposed of with the aforesaid observations and directions.

14.12.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No