

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

CRM-M-11849-2016 (O&M)

Date of decision:11.01.2018

Brij Mohan

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Vinod Gupta, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. S.S. Narula, Advocate for respondent No.2.

...

TEJINDER SINGH DHINDSA, J.(ORAL).

In compliance of the order dated 10.10.2017 passed by this Court, learned State counsel has filed in Court today a short affidavit dated 10.01.2018 of the Chief Secretary, State of Haryana along with Annexures R-I, R-II and R-III. The same is taken on record and a complete copy has been furnished to counsel opposite.

The instant petition had been preferred under Section 482 Cr.P.C. praying for issuance of directions to the respondents herein to take action against an accused, namely, Tarsem Singh, SDO, Uttar Haryana Bijli Vitran Nigam Limited (hereinafter to be referred to as 'UHBVNL') in pursuance to lodging of FIR No.19, dated 03.02.2016 at Police Station Guhla, District Kaithal under the provisions of Prevention of Corruption Act, 1988.

Counsel for the parties have been heard.

Pleadings on record would indicate that the petitioner herein

had lodged a complaint against one Tarsem Singh, SDO, UHBVNL as regards demand of illegal gratification to release a electricity connection pertaining to certain commercial premises.

Apparently on the same very allegation, departmental proceedings had been initiated against Tarsem Singh,. Inquiry Officer was appointed and based upon the inquiry findings, a major penalty of stoppage of two increments with future effect was imposed vide order dated 04.08.2015 passed by the Managing Director of the Corporation. It further appears that Tarsem Singh preferred a statutory appeal against such major penalty and which did not find favour. Thereafter, a show cause notice dated 29.01.2016 was issued from the office of the Managing Director of the Corporation contemplating imposition of penalty of dismissal on the same very allegations in pursuance to which the previous order of punishment of stoppage of two increments with future effect had been passed.

It has gone uncontroverted that the validity of the subsequent show cause notice dated 29.01.2016 has been called in question by Tarsem Singh by filing CWP-2970-2016 and which is pending motion hearing before this Court for 19.02.2018.

What clearly follows is that the course of action adopted by UHBVNL against Tarsem Singh, SDO in pursuance to departmental proceedings is a subject matter of examination and adjudication before the writ Court and as such, cannot be a subject matter of any prayer raised in the instant petition preferred under Section 482 Cr.P.C.

Learned State counsel, who is upon instructions from ASI Bhim Singh apprises the Court that insofar as FIR No.19, dated 03.02.2016 at Police Station Guhla, District Kaithal against Tarsem Singh is concerned,

investigation has culminated and a cancellation report has been prepared and presented before the competent Court. State counsel further informs the Court that the cancellation report has not yet been accepted by the Court and rather a notice has been issued to the complainant i.e. the present petitioner and the matter is now pending for 07.02.2018.

The aforenoticed factual position is not rebutted by counsel representing the petitioner.

In view of the circumstances noticed hereinabove, no further directions are required to be passed in the instant petition.

Petition accordingly is disposed of.

Needless to observe that it would be open for the complainant/petitioner to raise objections to the cancellation report that has been submitted by the Investigating Agency in relation to FIR No.19, dated 03.02.2016 at Police Station Guhla, District Kaithal as also by filing a protest petition, if so advised. In the eventuality of the petitioner doing so, the same would be dealt with in accordance with law.

11.01.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No