

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.14808 of 2016 (O&M)

Date of decision: 05.12.2018

Kamlesh Shastri

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepender Singh, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Shalender Mohan, Advocate,
for respondent Nos.2 to 4.

Ritu Bahri, J.

CM No.18487 of 2018

Written statement filed on behalf of respondent Nos. 2 to 4 is
taken on record.

Misc. application stands allowed accordingly.

CWP No.14808 of 2016

Petitioner is seeking a writ in the nature of certiorari quashing
the charge sheet dated 13.01.2012 (Annexure P-12), Inquiry Report supplied
to him vide show cause notice dated 24.08.2012 (Annexure P-15) and order
dated 12.02.2013 (Annexure P-19), whereby his services have been
terminated.

While issuing notice of motion on 23.08.2016, this Court had

observed that the petitioner along with one Chander Mohan Bhatnagar was

charge-sheeted and was imposed penalty of termination. However, the writ petition filed by Chander Mohan Bhatnagar i.e. CWP No.24544 of 2013, was allowed on 16.09.2015 and the termination order was set aside. The said writ petition was allowed on the ground that at the time of furnishing inquiry report to the delinquent, the Disciplinary Authority had already expressed its agreement with the findings of the Inquiry Officer and had indicated the proposed punishment without first giving an opportunity to the delinquent to show cause against the findings of the Inquiry Officer. Such action was found to be contrary to the law settled by Hon'ble the Supreme Court in ECIL vs. B. Karunakar, 1993 (4) SCC 727.

Today, when the case was taken up for hearing, learned counsel for the petitioner further informed that against the judgment dated 16.09.2015, Chander Mohan Bhatnagar had filed LPA No.1682 of 2016 and the LPA Bench allowed granted him full salary from the date of termination i.e. 12.02.2013 along with costs of Rs.50,000/-.

Case of the present petitioner is squarely covered by the judgment passed by the LPA Bench in LPA No.1682 of 2016 (Chander Mohan Bhatnagar vs. Haryana State Council for Child Welfare and others), decided on 25.07.2018.

In view of the said fact, the impugned order dated 12.02.2013 (Annexure P-19) is set aside and the respondents are directed to pay full salary to the petitioner w.e.f. 12.02.2013 and thereafter, proceed from the stage of giving the enquiry report.

(RITU BAHRI)
JUDGE

05.12.2018.

ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No