

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

CWP-1626-2016 (O&M)
Date of decision : 18.07.2018

Jaswinder Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Harkaran Singh, Advocate,
for Mr. B.S. Bhalla, Advocate,
for respondent No.4.

JITENDRA CHAUHAN, J.

The petitioner, *inter alia*, seeks quashing of complaint (Annexure P-10) and all consequential proceedings arising therefrom.

It is the case of the petitioner that she was married to Rajinder Singh in the year 1988. Out of the wedlock, respondent No.4 was born. Said Rajinder Singh died in the year 1991. In the year 1993, the petitioner was given compassionate appointment and thereafter, she remarried in the year 1995. After re-marriage of the petitioner, respondent No.4 had been drawing family pension till the year 2013, when he attained the age of 25 years. Thereafter, respondent No.4 filed a complaint against the petitioner on 21.11.2012 (Annexure P-4) which was enquired into by the competent authority and concluded in favour of the petitioner by holding that there was

no bar regarding her service after re-marriage. Subsequently, another complaint was moved on 10.09.2013 (Annexure P-6) by the said respondent which culminated into a compromise to give him 1/4th of the salary of the petitioner. Thereafter, another complainant has been filed dated 20.05.2015 (Annexure P-10) on the basis whereof, an Enquiry Officer has been appointed on 17.06.2015 (Annexure P-11).

It is contended on behalf of the petitioner that the grouse of respondent No.4 is personal in nature and the action of the Department in appointing Enquiry Officer to look into the allegations made in the complaint is perverse.

Learned State counsel submits that on enquiry, no substance was found in the complaint (Annexure P-10) as well.

Respondent No.4 has chosen not to file a separate reply and adopted the reply filed by the State.

Heard.

On a specific query put by the Court, learned counsel appearing on behalf of respondent No.4 has failed to cite any Statutory Rule or provision of law according to which the petitioner would have rendered herself ineligible to continue in service upon her remarriage. It is admitted fact that after her remarriage, respondent No.4 continued to receive family pension till 2013, when he attained the age of 25 years. It has also been brought to the notice of the Court that consequent upon the death of his father, the entire estate of the deceased has devolved upon respondent No.4.

In pursuance of order dated 26.05.2017, whereby, the respondent-State was granted liberty to file a better affidavit to the writ

petition, reply by way of short affidavit dated 19.01.2018, has been filed in the Court, which is taken on record. As per the reply, the Enquiry Officer has submitted his enquiry report with the remarks that there is a personal dispute between the petitioner and respondent No.4 and there is no need to take any action against the petitioner. Even otherwise, the action of the respondents in marking second inquiry is concerned, the same is patently illegal inasmuch as the first inquiry on the same allegations culminated in favour of the petitioner.

In view of the above discussion, the instant petition has been rendered infructuous and is disposed of as such. However, the conduct of respondent No.4 in filing false and malicious complaints against his own biological mother is highly deplorable. This, not only would have caused a lot of mental harassment to the petitioner but also forced her into the present litigation. Thus, in order to do complete justice, respondent No.4 is burdened with costs of Rupees ten thousand to be paid to the petitioner within a period of one month from today.

18.07.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No