

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

**CWP No. 1140 of 2018
Date of Decision: 19.1.2018**

Balwant Singh

...Petitioner.

Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

ARUN PALLI, J. (ORAL)

The petitioner happens to be the Chief Engineer (under suspension) with Dakshin Haryana Bijli Vitran Nigam. Owing to serious allegations of corruption, he was charge sheeted and a disciplinary enquiry was initiated against him. He has been found guilty by the Enquiry Officer. The petitioner was furnished a copy of the enquiry report dated 29.12.2017 (Annexure P-7). And he has also been served with a show cause notice dated 6.1.2018 (Annexure P-6), vide which a punishment of dismissal from service has since been proposed. In the present proceedings, the petitioner has questioned the show cause notice, inter alia, on the ground that under the statutory rules, governing his service conditions, for imposing minor or major punishment upon the Chief Engineer, the competent authority is the Board. Whereas, a bare analysis of the show cause notice reveals that it has been issued with the approval of the Chairman-cum-Managing Director (respondent No.3). Thus, his case is there indeed was no consideration of the enquiry report by the Board of Directors before the show cause notice was issued.

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Be that as it may, the fact remains that the petitioner has been granted 15 days' time to respond to the show cause notice and the said period expires on 23.1.2018. Whatever be the cause or grievance of the petitioner, rather than filing this petition, in the first instance, he ought to have filed a suitable/appropriate response to the show cause notice expressing his view point. Thus, in the matter of this nature, this Court is dissuaded to interfere, at this stage. No interference is warranted in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India. The petition is accordingly dismissed.

However, if the petitioner chooses to file reply to the show cause notice within the stipulated period, this Court is sanguine that the same shall be considered and dealt with appropriately and in accordance with law

19.1.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO