

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12991 of 2018
Date of Decision: May 22, 2018

Vipin Kumar

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Rajeev Anand, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

Learned counsel for the petitioner submits that initiation of disciplinary proceedings against the petitioner is contrary to the instructions laid down by the Railway Authorities themselves, in as much as the case is to be registered only after conducting the preliminary enquiry and in this case the preliminary enquiry revealed that no theft of railway property had been committed. This report was communicated to the senior most concerned authority. Moreover, the complainant himself withdrew his complaint as is apparent from Roznamcha dated 25.11.2017 (Annexure P-6). Under the circumstances, there was no requirement to register a case and the disciplinary proceedings have been initiated on the ground that no case has been registered against the petitioner. A detailed representation dated 14.04.2018 (Annexure P-14) has been filed in this regard but no action is being taken thereupon.

Learned counsel for the petitioner submits that at this stage he would be satisfied if a direction is issued to the competent authority to consider the representation dated 14.04.2018 (Annexure P-14) and dispose of the same by passing a speaking order.

The request is fair and is consequently allowed. Respondent No. 2 is directed to objectively consider the representation dated 14.04.2018 (Annexure P-14) in the light of the record and pass a speaking order thereupon, within a period of four weeks from the date of receipt of certified copy of this order, after complying with the principles of natural justice. Till a speaking order is passed by respondent No. 2, it is directed that disciplinary proceedings will not proceed further.

May 22, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No