

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 09.02.2018****CWP No.1719 of 2018**

Inder Jeet Yadav

...Petitioner

Vs.

Dakshin Haryana Bijli Vitran Nigam Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Malik, Senior Advocate, with
Ms. Rimple Kadyan, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

Mr. S.S.Narula, Advocate, puts in appearance on behalf of the respondent on Vakalatnama, which is taken on record.

Learned counsel are *ad idem* that there is a flaw in the proceedings and parties have to be reverted to the stage of permitting the petitioner to file his objections to the enquiry report.

Mr. R.K.Malik, learned senior counsel appearing for the petitioner, submits that in a departmental enquiry against co-employee, a statement has come to be recorded of witness by name Vinod Kumar. Ms. Kadyan, who assists Mr.R.K. Malik, says that his client needs the testimony for his own defence.

Mr. Narula submits that the enquiry against co-employee is not concluded and is in process and, therefore, the petitioner has no right to access that document.

However, considering that it is recorded testimony in a case of misconduct involving both the petitioner and the delinquent in the parallel enquiry in the considered view of this Court, the cause of justice would be

better served if a true copy of the testimony is supplied to the petitioner to enable him to file his objections to the enquiry report. This will be subject to relevancy of the statement which will be for the Enquiry Officer to examine.

Accordingly, a direction is issued to the respondent – Nigam to supply copy of that testimony to the petitioner by 12.02.2018 and thereafter the petitioner would file objections within next 15 days. The competent authority will decide the matter afresh regarding the guilt or innocence of the petitioner.

With these observations and directions, the instant petition stands disposed of. The original show cause notice is ordered to be removed from the file of the Nigam.

09.02.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No