

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 22671 of 2017 (O&M)

Date of Decision: 09.02.2018

Dinesh Kumar

...Petitioner

Vs.

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Arvind Seth, Advocate
for the petitioner.

Mr. Deepak Manchanda, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

The present petition is disposed of with the following directions since an insuperable flaw is apparent on the face of record and the parties have to be returned to where the error occurred and accordingly:

(a) The petitioner will submit a comprehensive reply to the show-cause notice.

(b) The petitioner will produce evidence that he belongs to the Backward Class and not to the Scheduled Caste category.

Since this is a pure question of fact, the determination of the issue in the present proceedings is not found proper and thus in my view it would serve the cause of justice better if the case is remitted to the disciplinary authority to hold an enquiry in accordance with law either

himself or by an independent officer of the Nigam exercising powers under DHBVNL Employees (Punishment and Appeal) Regulations, 2006.

The exercise be completed within reasonable time and the petitioner will not delay the conclusion of the enquiry and will cooperate in its early conclusion. However, adequate opportunity should be given to the petitioner to prove his innocence and to produce his evidence. The procedure for regular enquiry will be followed strictly. Till such time as the decision is not taken, no harm shall be visited on the petitioner by the Nigam. In case the enquiry report goes against the petitioner, he will be furnished a copy of the enquiry report to enable him to file his objections and only thereafter the final orders may be passed objectively in accordance with law.

Needless to say, the entire evidence to be produced will be dealt with fairly, honestly and independently by the enquiry officer and thereafter by the punishing authority to reach at a fair and just conclusion.

With these directions, the present petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

09.02.2018
kv

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