

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

CWP-3036-2016 (O&M)

Date of Decision: 18.04.2018

Sandeep Kumar

... Petitioner

Vs.

District and Sessions Judge, Rohtak and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. G.S. Attariwala, Advocate
for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the order of the inquiry officer dated 4.2.2016 (Annexure P-7).

2. Petitioner is stated to have been appointed as a Peon on contract basis in the year 2007. Thereafter, his services have been made permanent in the year 2008. Based on a complaint dated 31.03.2015 to the extent that petitioner has mislead the appointing authority by furnishing wrong date of birth and procured order of appointment; Disciplinary proceedings have been initiated on 01.09.2015. During the course of the disciplinary proceedings, department was stated to have submitted an application dated 7.1.2016 before the inquiry officer for the purpose of conducting ossification test of the petitioner and it was accepted by the inquiry officer. Petitioner being aggrieved by the decision of the inquiry officer presented this petition.

3. Perusal of the charge-sheet, it is evident that there is no ingredient to state that it is charge memo. Charge memo must consist of

dates and events. On that score itself, proceedings from the date of issuance of charge-sheet till passing of the order dated 04.02.2016 are liable to be set aside. Moreover, during the pendency of the inquiry, inquiry officer while accepting the application of the department dated 7.1.2016 ordered for ossification test of the petitioner. It is also without authority of law. Inquiry officer was appointed only to examine with reference to the charge-sheet. Therefore, inquiry officer has travelled beyond the powers assigned to him insofar as ordering ossification test of the petitioner.

4. In view of these facts and circumstances, order dated 4.2.2016 (Annexure P-7) is set aside. Petition stands allowed. Reserving liberty to the respondents to initiate fresh inquiry in accordance with the Rules provided for the purpose of examining whether petitioner has mislead while furnishing the date of birth as 30.01.1988.

18.04.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**