

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

**CWP-27902-2018 (O&M)
Date of Decision: 01.11.2018**

R.N. Rajashekhar

... Petitioner

Versus

National Fertilizer Limited & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep S. Majithia, Advocate for the petitioner.
Mr. Vipin Mahajan, Advocate for the respondent/caveator.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Instant writ petition is directed against Memo dated 28.09.2018 (Annexure P-6) issued to the petitioner by the employer i.e. National Fertilizer Limited.

Pleadings on record would indicate that regular departmental proceedings were initiated against the petitioner who was holding the post of Manager (F&A) by virtue of issuance of a charge sheet dated 03.04.2017 for imposition of a major penalty under Rule 32 of the N.F.L. Employees (Conduct, Discipline and Appeal) Rules. Suffice it to observe that two specific articles of charge had been drawn up against the petitioner. The Inquiry Officer submitted a report dated 04.05.2018 and whereby findings were returned in favour of the petitioner and exonerating him of both the charges.

As per impugned Memo dated 28.09.2018, the Disciplinary Authority has chosen to disagree with the findings of the Inquiry Officer, recorded reasons for disagreement and has proceeded further to hold the petitioner guilty of both the charges. A tentative decision has been taken to impose upon the petitioner a minor penalty and accordingly, a copy of the

inquiry report, reasons for disagreement as also the tentative decision for imposition of a minor penalty had been conveyed and 15 days time has been granted for the petitioner to respond to the same.

I have heard counsel for the petitioner as also Mr. Vipin Mahajan, counsel for the respondent-caveator/National Fertilizer Limited.

Mr. Vipin Mahajan, Advocate is not in a position to dispute and controvert that prior to the Disciplinary Authority taking a final view and holding the petitioner guilty on both the charges, the reasons for disagreement with the inquiry report/dissenting note had not been served upon the petitioner and no opportunity had been granted at that stage. Clearly, the impugned Memo dated 28.09.2018 only envisages an opportunity being granted and response being sought from the petitioner with regard to the contemplated action of imposition of a minor penalty.

Confronted with such a situation, Mr. Mahajan, Advocate on instructions from Sh. Karam Chand Sharma, Manager (Legal) makes a statement that the impugned Memo dated 28.09.2018 would be withdrawn and further proceedings would be taken up strictly in accordance with law.

In the light of the undertaking so recorded by counsel representing National Fertilizer Limited/respondent caveator, nothing survives in the instant writ petition and the same is dismissed as infructuous.

It is clarified that this Court has not examined the case on merits.

01.11.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |