

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29683 of 2018

Date of Decision : 30.11.2018

Pushpa Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Virinder Kumar Shukla, Advocate for the petitioner.

Ms. Anju Arora, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioner is challenging the appointment of Enquiry Officer in respect of a charge-sheet dated 28.08.2018 on the ground that the charge-sheet was not served upon her and without giving any opportunity of hearing for making her submissions, the Enquiry Officer has been appointed, who has started conducting the enquiry.

The State was asked to verify the facts.

Today, Ms. Anju Arora, learned Additional Advocate General, Punjab states that the charge-sheet was issued on 28.08.2018 and was sent to the address where the petitioner was last working. Now, the said charge-sheet has been got served upon the petitioner on 28.11.2018.

This fact has been admitted by the counsel for the petitioner.

Learned counsel for the petitioner states that as the charge-sheet has been served only now, therefore, before the Enquiry Officer proceeds to hold the enquiry, the petitioner be given a chance to represent/file a reply to the said charge-sheet bringing out her defence in the

notice of the department. Only in case the reply is not found satisfactory, the enquiry proceedings should be held.

Heard.

As per law, the employee has a right to file a reply to the charge-sheet after the same is received and it is only in case reply is found unsatisfactory, an Enquiry Officer is appointed. In the present case without serving the charge-sheet, the Enquiry Officer has been appointed by the respondents.

Be that as it may, the respondents are directed that petitioner be given a chance to file a reply to the charge-sheet which has been served upon her on 28.11.2018. Learned counsel for the petitioner states that reply to the charge-sheet will be filed within a period of 15 days from today.

Let the competent authority in this regard examine the reply so filed by the petitioner to the allegations levelled in the charge-sheet and it is only thereafter, if necessary, the proceedings should be taken ahead.

Till the competent authority decides as to whether the enquiry is to be held or not after going through the reply so filed by the petitioner, the respondents will pass appropriate orders directing the Enquiry Officer not to proceed further. All the documents, which are being relied by the department in support of the allegations, be also supplied to the petitioner.

Keeping in view the above, learned counsel for the petitioner states that he does not press the present writ petition at this stage.

The writ petition stands disposed of in view of the above terms.

November 30, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No