

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

CWP No.3656 of 2018
DATE OF DECISION : 16th FEBRUARY, 2018

Sunil Kumar

.... Petitioner

Versus

Punjab and Haryana High Court, Chandigarh & another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

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Present : Mr. R. S. Bains, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

This is petition under Article 226/227 of the Constitution of India by which the petitioner has sought quashing of order dated 03.02.2018 (Annexure P-6) passed by respondent No.2, the Enquiry Officer, by which the application filed by the petitioner seeking service of an Advocate in the matter of conduct of departmental enquiry against him, was dismissed.

Learned counsel for the petitioner in support of the petition vehemently argued that the presenting officer is a judicial officer in the enquiry and insofar as the petitioner is concerned he is not in a good mental state of health in order to face the departmental enquiry and therefore he requested for permission to engage the services of an Advocate/Lawyer in the departmental enquiry to defend him. He submitted that though there was delay on the part of the petitioner in

asking for assistance of Advocate/lawyer, the same cannot be a ground to reject the application as such.

We have heard learned counsel for the petitioner and perused the impugned order also.

At the outset, we find that the entire enquiry against the petitioner has been completed. The evidence produced by the department has been recorded and it has closed its evidence and not only that the petitioner has got recorded his defence evidence. He filed the application in question for assistance of an Advocate/lawyer in the enquiry when his cross-examination was going on after he entered as a defence witness himself. The only reason given by him was that because of his matrimonial dispute with his wife, he felt nervous and mentally stressed and therefore was not in a position to answer the questions put by the presenting officer.

Having regard to the submission made by learned counsel for the petitioner we find that the petitioner was appointed as a judicial officer in the judiciary. He allowed the completion of recording of the entire evidence of the department and even cross-examination of the witnesses of the department. Not only that he examined himself and while his cross-examination was going on he made the application in question.

In our considered opinion the attempt of the petitioner is to somehow stall the enquiry proceedings. Had he being so serious about obtaining the service of an Advocate during enquiry, he would not have waited till the completion of the enquiry against him. Be that as it may, the request made by the petitioner for engagement of an Advocate was

too late in the day and we do not think that the discretionary writ jurisdiction can be exercised in such a case.

In that view of the matter, we do not find any fault with the order Annexure P-6, passed by respondent No.2. There is no merit in the petition. Dismissed.

(A. B. CHAUDHARI)
JUDGE

16th FEBRUARY, 2018
‘raj’

(INDERJIT SINGH)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>