

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

**Civil Writ Petition No. 4867 of 2018 (O&M)
Date of Decision: 19.04.2018**

Ashok Kumar Chuchra

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mrs. Savita Bhandari, Advocate
for the petitioner.

Mrs. Ishneet Kaur, Assistant Advocate General, Punjab
for the respondent.

JASWANT SINGH, J. (ORAL)

Petitioner (Ashok Kumar Chuchra), while working as Principal, has retired on attaining the age of superannuation, i.e., 58 years from Government Senior Secondary School, Fazilka, Tehsil Fazilka.

By way of filing the present petition, the petitioner is seeking to quash the charge-sheet dated 20.03.2017 (**Annexure P-6**), whereby he was charged for striking off the name of one sportsman-Antriksh Deep Singh from the list of players under 17 District Level Badminton Competition (Boys) held for the period from 29.08.2016 to 30.08.2016 and replacing it with the name of one Snehal Kataria, and after making complaint by Sh. Mahinder Pal, the name of the said Antriksh Deep Singh had been re-included; **as also** order dated 14.12.2017 (**Annexure P-16 colly**), whereby the charge-sheet dated 20.03.2017 (**P-6**) had been reviewed, by restoring the charges levelled against the petitioner.

This Court, while issuing notice of motion vide order dated 28.02.2018, had passed the following order:-

“ Petitioner was charge-sheeted for imposition of major penalty. The inquiry officer vide his report dated 5.7.2017 held both the charges proved against the Petitioner, however, the punishing Authority i.e. Secretary (Education), Government of Punjab vide order dated 17.08.2017 has consigned the file to the record room without recording reasons whatsoever for differing with the findings of the inquiry officer as also exonerating the Petitioner.

The grievance of the Petitioner is that after the aforesaid exoneration the punishing Authority has yet again resumed the proceedings without their being any power of reviewing the order or any fresh material having been brought to the notice of the Punishing Authority.

*Notice of motion for **19.04.2018**.*

Mrs. Lavanya Paul, Assistant advocate General, Punjab accepts notice.

Let Mr. Krishan Kumar, Secretary, Education Department, Punjab file his affidavit explaining the aforesaid position.

Learned Counsel for the Petitioner undertakes to furnish requisite number of copies of writ petition to the learned State Counsel during the course of the day. ”

At the time of hearing today, learned State Counsel has filed reply by way of additional affidavit dated 19.04.2018 of Sh. Krishan Kumar, IAS, Secretary to Government of Punjab, Department of School Education in Court today, which is taken on record.

In reply para-6, it is stated that after considering the facts of the case and in view of the provisions of Section 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, coupled with grounds of earlier charge-sheet dated 20.03.2017 **(P-6)** issued to the petitioner, no grounds for review are made out, and the charge-sheet dated 14.12.2017 **(P-16 colly)** issued to the petitioner has already been withdrawn by the

Office of Department of School Education, Govt. of Punjab, vide its order even number dated 16.04.2018 (**Annexure R-1**). A copy of the reply dated 19.04.2018 alongwith its enclosure/order dated 16.04.2018 (**R-1**) has been furnished to the counsel for petitioner.

In view of above, counsel for the parties concede that nothing more survives in the present petition, as the same has become infructuous.

Dismissed as infructuous.

April 19, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>