

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

CWP-3874-2019 (O&M)

Date of decision : 13.2.2019

Neena Rani

..... Petitioner

Versus

Central Administrative Tribunal and others Respondents

**CORAM : HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. Arun Takhi, Advocate for the petitioner.

Kuldip Singh, J.

Petitioner has sought judicial review of order dated 16.1.2019 (Annexure P-5), passed by the Central Administrative Tribunal, Chandigarh Bench, (for short 'the Tribunal') vide which her Original Application No. 060/00024/2019 seeking quashing of the charge sheet dated 24.8.2018 (Annexure P-3), issued by respondent No. 4-Senior Superintendent of Post Office, Hoshiarpur, Division, Hoshiarpur was dismissed.

We have gone through the charge sheet dated 24.8.2018 (Annexure P-3) as well as the impugned order dated 16.1.2019 (Annexure P-5), passed by the Tribunal and also heard learned counsel for the petitioner at length.

The charge sheet dated 24.8.2018 (Annexure P-3), shows that serious allegations have been levelled against the petitioner that she

concealed from the department that her son namely Sanjiv Kumar was unauthorizedly working at Kot Fatuhi SO in the name of Jaspreet Singh son of Ajit Singh for a certain period. Her son Sanjiv Kumar misappropriated an amount of Rs.13.00 lacs. There are other allegations of opening bogus State Bank account.

We are of the view that charge sheet can be quashed only on the ground that from the charge sheet itself no misconduct or irregularity is made out.

Learned counsel for the petitioner has argued that in the charge sheet dated 24.8.2018, (Annexure P-3), the allegations are against her son. However, we find that the allegations against the petitioner have also been levelled which are of serious nature.

The Tribunal has rightly applied the ratio of *Union of India vs. Upendra Singh*, (1994) 3 SCC 357 and *Union of India vs. Ashok Kacker* (1995) Supp 1 SCC 180, to hold that considering the seriousness of the allegations of the grave misconduct, there is no ground to quash the charge sheet dated 24.8.2018 (Annexure P-3). Therefore, it was held that the original application was premature i.e., without completion of departmental inquiry and before exhausting all the departmental remedies.

We fully agree with the view taken by the Tribunal. The charges are of serious nature and need inquiry. Without completion of inquiry and exhausting departmental remedies, the petitioner cannot

approach the judicial authorities for quashing the charge sheet dated 24.8.2018 (Annexure P-3).

We find no merit in the present petition and the same is hereby dismissed.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

13.2.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No