

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

**CWP No.4407 of 2019
Date of decision : 5.4.2019**

Ranjeet Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Arshdeep Bhullar, Advocate for the petitioner.
Mr.Seharjbir Singh, Advocate for respondent No.1.

TEJINDER SINGH DHINDSA, J.

Petitioner who is holding the post of Additional Superintending Engineer has filed the instant writ petition assailing the charge sheet dated 8.10.2018, Annexure P.3.

Challenge to the charge sheet is on the premise that there are instructions issued by the Corporation and as per which the prior explanation is to be called from the official concerned.

Contention raised is that the procedure envisaged under such instructions having not been met, the impugned charge sheet cannot sustain.

Having heard counsel for the petitioner at length, this Court is of the considered view that the contention

raised by the counsel is without merit and the writ petition deserves to be dismissed.

The instructions placed reliance upon cannot be treated to be as mandatory. It is now well settled that the regular departmental proceedings stand initiated only upon issuance of a charge sheet and formulation of the specific article(s) of charge. It would certainly be the prerogative of the employer to conduct a preliminary fact finding enquiry or to call for the explanation of the delinquent official prior to formal initiation of departmental proceedings. In the event of the employer not doing so, the same would not be fatal to the charge sheet.

Petitioner ought to respond to the charge sheet and to participate in the departmental proceedings. No infirmity is found in the impugned charge dated 8.10.2018.

Suffice it to observe that the respondent-Corporation would be obligated to supply the petitioner all the documents that find a specific mention in the charge sheet so as to enable the petitioner to set-up an effective defence/reply.

No basis for interference is warranted.

Writ petition is dismissed.

April 5, 2019
KD

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No