

CWP No.7113 of 2019 (O&M)

{1}

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.7113 of 2019 (O&M)

Date of decision:10.07.2019

Sundeeep

... Petitioner

Vs.

Chairman cum Managing Director, DHBVN and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vineet Kumar, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Prayer in present writ petition filed under Article 226/227 of Constitution of India is for issuance of a writ in the nature of certiorari to quash suspension order dated 21.06.2018, charge sheet dated 27.07.2018, 08.03.2018 and 09.08.2018, departmental enquiries initiated on 24.09.2018 (Annexures P-26 to P-29) and final departmental report dated 29.01.2019 (Annexure P-31).

The matter was taken up on 02.05.2019 and this Court passed the following order:-

“Learned counsel for the petitioner is still not prepared to assist whether after final enquiry report itself, can it be set aside?

List on 10.07.2019.”

Civil Misc. Applications bearing Nos.9761 and 9764 of 2019 have been filed to place on record copies of show cause notice and reply thereto, vide Annexures P-34 and P-35.

Learned counsel appearing on behalf of petitioners submitted that High Court while exercising powers under Article 226 of Constitution of India, has very wide powers to find out what goes in the mind of enquiry officers whether any act of malice or biasness and it would not be pre-mature writ petition. The result of show-cause notice is un-known. There are certain factual errors vis-a-vis allegation, statement of witnesses and with regard to events which prima facie proved that petitioner was away on official duty. In fact, entire charge sheet has been actuated on account of fact that petitioner approached this Court for protecting his fundamental right regarding transfer etc. The statement of Presenting Officer is wholly dis-believable. The enquiry officer has gone to the extent reflecting demeanor of delinquent employee/petitioner which is totally perverse and thus, entire process is liable to be set aside.

I am afraid the aforementioned request is not acceptable at this stage when the petitioner has been issued show-cause-notice and it would be domain of punishing authority to consider all the points urged or pleaded. The petitioner is at liberty to raise all pleas raised in present writ petition and the punishing authority shall consider and decide the matter in a most pragmatic and reasonable manner.

No ground for interference is made out at this stage.

Writ petition is dismissed.

July 10, 2019
savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No