

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

**CWP NO. 3777 of 1996(O&M)
Date of Decision: 22.04.2019**

Neelam Chhikara

... Petitioner

versus

The Haryana State Social Welfare Advisory Board & Anr.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioner.

Mr. Pankaj Mulwani, DAG Haryana.

ARUN MONGA, J.

1. There is no appearance on behalf of the petitioner nor any request has been made on her behalf. This petition is lying admitted since 1996. I find no justification in keeping the matter pending. I have carefully gone through the paper-book containing the pleadings and the documents appended in support thereto and heard the learned State counsel.

2. The prayer in the instant writ petition is for quashing of the order dated 13.02.1996 (Annexure P-6) by virtue of which the petitioner was dismissed from service w.e.f. 17.05.1993, retrospectively.

3. The petitioner was charge-sheeted under seven different heads, inter alia, for remaining absent from duties as well as for tampering with the record and violating the orders of the Chairman of the Board. The Enquiry

Officer indicted the petitioner of all the charges levelled and based on the report submitted by the Enquiry Officer, she was dismissed from service by the Punishing Authority.

4. It is averred in the petition that the enquiry had been conducted *ex-parte* and in violation of principles of natural justice and the punishment imposed was not commensurate with the charges held to be proved by the Enquiry Officer. As per averments made in the petition, since the respondents wanted to accommodate their own candidate, therefore, her services were terminated in a biased manner.

5. I have gone through the detailed findings as rendered by the Enquiry Officer in the enquiry report whereby the petitioner had been indicted of the charges levelled against her as also the reasoning adopted by the Punishing Authority in the impugned order, Annexure P-6 and find no ground to interfere with the impugned order.

6. It is apparent from the records that number of times, notices were sent to the petitioner to participate in the enquiry proceedings. Attempts were made to effect the service of the notice on the address with the department as also at the house of her in-laws where she was reportedly residing. The notice was received back with the report of refusal. She was given ample opportunity to defend herself, but she abstained from the enquiry proceedings for reasons best known to her. It cannot be said that the enquiry was conducted in violation of principles of natural justice. On receipt of the enquiry report, the Punishing Authority too sought response of the petitioner before taking final decision in the matter. The reply given by petitioner is Annexure P-5 herein and a perusal thereof makes it clear that the petitioner did not specifically deny the charges levelled against her. She

while replying evasively justified her acts of omission and commission. The Punishing Authority, after taking into account, the stand of the petitioner in her reply, rightly and validly awarded the petitioner with punishment of dismissal from service. There is neither any illegality in the impugned dismissal order passed by the Punishing Authority nor the punishment imposed disproportionate to the charges proved against the petitioner.

7. The writ petition is dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

April 22, 2019
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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |