

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

**CM-6683-CWP-2019 IN/AND
CWP-5646-2019 (O&M)**

Date of decision : 12.07.2019

Reena

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner(s).

Mr. Rajesh Sheoran, Addl.A.G, Haryana
and Mr. Vivek Saini, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition is for quashing of impugned order dated 27.02.2019 (Annexure P-1), whereby, the petitioner has been placed under suspension from the post of President, Municipal Committee, Mahendergarh.

Learned counsel contends that the impugned order Annexure P-1 has been passed by respondent No.2 on the wrong premise that registration of FIR against the petitioner is a good ground to place her under suspension from the President of the Municipal Committee. Cites *Ajit*

Singh & Another Vs. Financial Commissioner & Secretary to

Government & Another, 2009(16) SCC 308 and Naranjan Singh Vs. Joint Development Commissioner, Rural Development & Panchayat, Punjab & others, 2017 (2) LAR 62.

Heard.

On 27.03.2019, this Court noted as under:-

“Considering the fact that in FIR No.504/2017 the proceedings have been stayed by this Court vide order dated 8.2.2019 and cancellation report in FIR No.3 of 2019 registered at Police Station City Mahendergarh has also been filed, operation and effect of order dated 27.02.2019 (Annexure P-1) shall remain stayed till the next date of hearing.

Post again on 12.07.2019.”

CM-6683-CWP-2019 has been preferred by the respondent State seeking vacation of stay granted by this Court vide order dated 27.03.2019 on the ground that wrong facts were stated on behalf of the petitioner for procuring stay order.

Learned counsel for the petitioner submits that though, the fact of cancellation report in FIR No.3 of 2019 having been filed was not correct as on 27.03.2019 but the statement to this effect was made on the information given to the petitioner by DSP Rajesh and SI Ashwani Kumar that the same has been cancelled.

Be that as it may, on the statement made by learned counsel for the petitioner that cancellation report in FIR No.3 ibid has been filed, the operation and effect of impugned order Annexure P-1 was ordered to be

stayed. However, as per record, cancellation report in the matter was prepared on 20.05.2019 and presented before the higher officials for consideration.

In this view of the matter, this Court feels that the petitioner has not approached this Court with clean hands.

Accordingly, the writ petition is hereby dismissed.

The State is directed to take necessary disciplinary action as per law against DSP Rajesh and SI Ashwani Kumar in view of the statement made by learned counsel for the petitioner after conducting an inquiry in this regard.

In view of the fact that the main petition stands dismissed, CM-6683-CWP-2019 has been rendered infructuous and is disposed of as such.

12.07.2019
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No