

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

**CWP No.15712 of 2013
Date of decision: 22.05.2019**

Court on its own motion

... Petitioner

Versus

State of Haryana and others

... Respondent

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Gurminder Singh, Senior Advocate – Amicus Curiae, with
Mr. R.P.S. Bara, Advocate.
Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.
Mr. Sumeet Goel, Sr. Standing Counsel; and
Mr. Samir Rathore, Advocate, for the respondent-CBI.
Mr. Puneet Bali, Senior Advocate, with
Mr. Amandeep Singh Talwar, Advocate;
Mr. D.S. Patwalia, Senior Advocate, with
Mr. Kannan Malik, Advocate; and
Mr. Arun Gupta, Advocate,
for the respondent(s).
Mr. S.N. Yadav, Advocate for the applicant in CM-3511-2015.

KRISHNA MURARI, C.J. (Oral)

This Public Interest Litigation was registered by the Court on its own motion while considering a contempt petition filed alleging non-compliance of order dated 10.01.2008 passed in CWP No.18346 of 2004. The said writ petition was filed raising a grievance with respect to the legality and the validity of the selection for appointment to 350 posts of Constables in GRP. During the pendency of the proceedings, CBI was required to investigate into the matter. Various status reports were submitted at various stages and ultimately the CBI submitted a report suggesting that

large scale of bungling was there in preparing the selection list and a recommendation was made to the State Government for grant of sanction for prosecution of the officers responsible for the same. CWP No.18346 of 2004 was disposed of by making the following observations:

“ We dispose of this writ petition by issuing directions to the State of Haryana to take appropriate action, as per law, on the report submitted by the C.B.I. The Government may also take decision as to whether Constables, who were selected and appointed at that time be retained in service or not. The State Government is further directed to take a necessary decision with regard to grant sanction for prosecution of those Government officials, whose name found mentioned in para No. 6, clause 16(a), of the report, if needed and decision to retain selected persons, within a period of two months from the date receipt of copy of this order. It is made clear that if the Government decides to retain in service those candidates, whose selection is in dispute, the petitioner may also agitate his right for getting the appointment. Copy of the report shown to us be sealed and put in the custody of the Registrar (Judicial).”

Alleging non-compliance of the directions contained in the aforesaid order, a contempt petition bearing COCP No.643 of 2008 was filed. Vide order dated 22.05.2013, the said contempt petition was directed

to be placed before Hon'ble the Acting Chief Justice to take appropriate action in the matter. Hon'ble the Acting Chief Justice, vide order dated 18.07.2013, directed that the matter be registered as Public Interest Litigation by the Court on its own motion. The Division Bench headed by Hon'ble the Chief Justice vide order dated 28.04.2014, disposed of the COCP. Thereafter, the proceedings of this Public Interest Litigation continued. In the meantime, the CBI filed a charge-sheet against a person who was found to be involved after investigation, which culminated into a trial being Sessions' Trial Case No.35 of 2013. The trial came to be concluded vide order dated 17.02.2018 by Special Judge, CBI Court, Panchkula, acquitting the accused. The order of acquittal passed by the Special Judge, CBI Court, has not been challenged by the CBI on the basis of an opinion given to them that it was not a fit case for filing an appeal. However, we are informed that the petitioner of Civil Writ Petition No.18346 of 2004 has challenged the order of acquittal by filing an appeal before this Court, which is stated to be pending and even notice of motion has not been issued till date.

An issue of locus of the petitioner for filing the appeal against the acquittal has been raised, but the same is to be considered and adjudicated upon in the proceedings of the appeal filed by him. The State Government during the pendency of these proceedings has taken a stand in respect of the decision to continue or discontinue the services of selected candidates that they will await the outcome of the Sessions trial. Now once the trial has resulted into acquittal for want of any evidence, in our considered opinion nothing survives in this public interest litigation for

consideration. Accordingly, the same is consigned to record and stands disposed of.

We acknowledge the assistance provided to us by Shri Gurminder Singh, learned Senior Advocate, who was appointed as Amicus Curiae in the matter.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

22.05.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO