

Sr. No. 212

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

**CWP No.23445 of 2012 (O&M)
Date of Decision: 26.03.2019**

Sadhu Ram Kusla

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Maninder Singh, Advocate,
for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

Mr. Binderjit Singh, Advocate,
for respondent No.5.

Mr. G.B.S.Gill, Advocate for
Mr. C.S.Jattana, Advocate,
for respondent No.6.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed by a State Government employee, who, at the relevant time was working as Assistant Project Officer, posted at Bathinda in the Department of Rural Development, Government of Punjab.

2. *Inter alia*, following relief has been prayed in the writ petition:-

“i) Issue a writ in the nature of mandamus directing the respondents to take a final decision/finalize the enquiry/enquiries against the petitioner conducted on the

complaint(s)/complainant(s) by various authorities.

- i) Issue a writ in the nature of mandamus to take action on the report submitted by various officers namely District Revenue Officer, Bathinda/Deputy Commissioner, Bathinda to the Principal Secretary to Government of Punjab, Department of Technical Education; Additional Deputy Commissioner (General), Mansa/ D.C.Mansa to Commissioner, Faridkot Division, Faridkot; and Economic Offences Wing, Punjab Police, Bathinda, ADC (D) Bathinda/Deputy Commissioner, Bathinda to Commissioner, Faridkot Division, Faridkot and enquiries conducted by Commissioner, Faridkot Division, Faridkot himself, to logical end on the same complaint (s)/complainant(s) from the year 2008 to date;
- ii) Issue a writ in the nature of certiorari quashing the enquiry report dated 19.11.2009/ 11.03.2010 (Annexure P-26) submitted by Respondent No.6, prepared after forging document due to remarks against him in Magisterial enquiry.
- iii) Issue a writ in the nature of mandamus directing the respondents to restore security to the petitioner which has been withdrawn with a view to victimize the petitioner.
- iv) Issue a writ in the nature of mandamus directing the respondents to take action against respondent No.6 for forging the document dated 01.03.2005 (Annexure P-27) while submitting his report against the petitioner.
- v) Issue a writ in the nature of mandamus directing the respondents to take action against respondent No.6 and

others pursuant to the magisterial enquiry report dated 07.09.2006/ 09.06.2006 (Annexure P-10) (Regarding foetus found in the garbage) and take consequent action.

vi) Issue a writ in the nature of mandamus directing the respondents to consider the regularization of the illegal suspension period of the petitioner w.e.f. 02.11.2010 to 07.03.2011.

vii) Issue a writ in the nature of mandamus directing the respondents to consider the case of the petitioner for promotion to the post of Project Officer w.e.f. 24.09.2007.”

3. Learned State counsel, on instructions from ASI Jasbir Singh, at the outset, submits that the present writ petition has become infructuous. States that during pendency of the writ petition, the petitioner has already been reinstated. Subsequently, upon his retirement, all retiral benefits along with interest have also been paid, as per prayer (vii), made in the writ petition.

4. As regards the prayer for action to be taken against respondents No.5 and 6, as per prayer clause (iii) (supra), learned State counsel submits that the same is also rendered infructuous in view of the fact that the alleged forgery committed by respondent No.6, owing to which the petitioner was held delinquent, is of no consequence since the petitioner was exonerated in the departmental proceedings initiated against him and decided by the Commissioner, Faridkot Division.

5. Learned State counsel further submits that as regards the claim for relief sought in clause (ii) of the prayer, *ibid*, the

same also does not survive as a vigilance inquiry was conducted and as per the vigilance inquiry report, no action was required to be taken. In any case, the said vigilance inquiry report has not been challenged. She submits that vide vigilance report, it was recommended that, in case, any departmental action is warranted, the department is at liberty to initiate the same.

6. As regards the other prayers made above, learned counsel for the petitioner submits that he does not wish to press the same, as the same have been rendered infructuous.

7. In view of the submissions of the learned State counsel as noted above, I do not find any ground to keep the matter pending in this Court, any further.

8. Writ petition is, accordingly, disposed of as having been rendered infructuous.

(ARUN MONGA)
JUDGE

26.03.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No