

**CWP No.26269 of 2013 (O&M) and
CWP No.10902 of 2014 (O&M)**

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**Sr. No. 213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.26269 of 2013 and
CWP No.10902 of 2014 (O&M)
Date of Decision: 10.01.2019**

Arun Kumar

... Petitioner

Versus

Punjab State Planning Board and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. I.D.Singla, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Anupam Singla, Advocate,
for respondent No.4.

ARUN MONGA, J.(ORAL)

The petitioner herein is seeking issuance of a writ in the nature of mandamus directing the respondents to refer the matter in reference for inquiry against the petitioner to an independent agency i.e. by Vigilance Department or Punjab State Women Commission. The allegations against the petitioner, inter alia, included complaint of sexual harassment also.

2. Learned counsel for the petitioner contends that on the basis of a complaint dated 16.09.2013 (Annexure P-1) and also by a later complaint (not on record) which was subsequently obtained against the petitioner, an inquiry was ordered to be conducted by a retired District and Sessions Judge. He contends that petitioner was not granted proper opportunity to defend himself in the

inquiry proceedings. He contends that vide said inquiry report, the petitioner has been indicted and repatriated to his parent department. He contends that the said inquiry report is liable to be set aside as the petitioner was not granted any opportunity to cross-examine the witnesses and also no proper opportunity was granted to him to address arguments before the inquiry officer. Neither any of the enquiry proceedings nor the report rendered therein have been placed on record of this Court.

3. However, the learned State counsel points out that on the basis of said inquiry report, no adverse action has been taken against the petitioner other than the fact that he has been repatriated to his parent department. It is also pointed out that after repatriation of the petitioner, he has been granted promotion as well.

4. In the circumstances, no grounds are made out at this stage to interfere with the said inquiry report since no adverse action has been taken against the petitioner pursuant to the said report. Not only that, he has been promoted after the submission of the said inquiry report.

5. The petitioner is at liberty to challenge the said inquiry report as and when any adverse action is taken pursuant thereto.

6. Writ petitions are, accordingly, disposed of.

**(ARUN MONGA)
JUDGE**

10.01.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No