

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

CWP-24093-2019

Date of decision: 03.09.2019

Const. Rajesh Kumar, No.3/850 IRB

..... Petitioner

Vs

State of Haryana & ors.

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S.Gopera, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari for quashing the impugned orders dated 10.07.2019, 22.07.2019 and 19.08.2019 (Annexures P-2, P-4 and P-5) respectively passed by respondent No.3.

A perusal of orders dated 10.07.2019, 22.07.2019 and 19.08.2019 (Annexures P-2, P-4 and P-5) reveals that an opportunity of hearing has been given by the authorities concerned to the petitioner to present his defence in a departmental inquiry initiated against him vide order dated 10.07.2019 (Annexure P-2). Further, a notice has also been issued vide order dated 19.08.2019 (Annexure P-6) to the petitioner to show cause as to why action should not be taken against him for remaining absent from duty since 08.06.2019.

Learned counsel for the petitioner has not been able to show any order causing prejudice to him in pursuance to order dated 10.07.2019 (Annexure P-2), which would give rise to a cause of action to the petitioner.

Further, vide order dated 19.08.2019 (Annexure P-6) only a departmental inquiry has been initiated on grounds of absence from duty. Nothing has been pointed out by the learned counsel for the petitioner that the authority, who had issued a chargesheet was not competent to do so. The petitioner can avail the remedy available to him and bring the same to the notice of the authorities concerned.

Since, there is no order passed by the respondents, which may be said to be causing any prejudice to the petitioner at this stage, no ground is made out to interfere.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

03.09.2019
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Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No