

CWP-7652-2017 (O&M)

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

**CWP-7652-2017 (O&M)
Date of decision : 17.07.2019**

Rajpal Sangwan

... Petitioner(s)

Versus

Sarva Haryana Gramin Bank (SHGB) and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. G.S. Bajwa, Advocate
for the respondents.

AMIT RAWAL, J. (ORAL)

The petitioner has invoked jurisdiction of this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* quashing charge sheet dated 13.06.2015 (Annexure P-3) and letter dated 05.04.2017 (Annexure P-10), calling up the petitioner to join the proceedings.

Mr. Harkesh Manuja, learned counsel appearing on behalf of the petitioner submitted that on 16.08.1993, the petitioner joined as Clerk-cum-Cashier with the respondents and was promoted as scale one officer on 28.03.2002. While in service, on account of some rancour and animosity, was served with charge-sheet. Enquiry officer appointed acted in bias and partial manner, necessitating him to approach this Court, vide CWP No.12364 of 2016. This Court, vide order dated 01.03.2017, disposed of

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the writ petition viz-a-viz non-supply of the document upon service of charge sheet. As regards the impartiality of enquiry officer, directed respondent No.1/Chairman of Sarva Haryana Gramin Bank, personally to look into the matter, but the Chairman did not comply with the directions, which is evident from the decision dated 17.03.2017 (Annexure R-1), in such circumstances, the entire proceedings are vitiated in law.

Mr. G.S. Bajwa, learned counsel appearing on behalf of the respondents submitted the the enquiry is already final and the outcome of the same has to be disclosed, but owing to pendency of the writ petition, same could not be done.

I have heard learned counsel for parties, appraised paper book and of view that there is no force and merit in the submissions of Mr. Manuja, for, at this stage, as per order dated 17.03.2017, decision with regard to change of enquiry officer had already been taken. This Court was not prevented of this fact, therefore, no occasion arose for issuing other direction than one already noticed in the order. While redressing grievance of the petitioner, the respondent(s) issued advisory to enquiry officer to act impartially. This Court cannot sit over the decision of the enquiry officer as the allegations of the charge-sheet have to be proved in accordance with law. The grievance of the petitioner, expressed in the present writ petition, in my view, is wholly far fetched and cannot be interfered under Article 226/227 of the Constitution of India.

No ground is made out for interference, accordingly, the present writ petition is dismissed.

Liberty is granted to the petitioner to join the proceedings by moving representation. In case, such representation is made to the

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I attest to the accuracy and
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respondents, the same shall be decided pragmatically.

17.07.2019
Yogesh Sharma

(**AMIT RAWAL**)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No