

Sr. No.119

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

CWP No. 30982 of 2019 (O&M)

Date of Decision: 01.11.2019

Kewal Singh Randhawa

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ramandeep Singh Bal, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

1. *Inter alia*, issuance of a writ in the nature of certiorari has been sought to quash an order dated 18.06.2019 (Annexure P-1), impugned herein whereby, one annual increment of the petitioner without cumulative effect has been stopped.

2. On advance service of the petition, Mr. Mehardeep Singh, Additional A.G., Punjab appears and opposes issuance of notice and submits that writ petition is completely devoid of merit and is liable to be dismissed.

3. Having heard rival contentions of learned counsel, I am of the opinion that no interference is called for in exercise of extraordinary writ jurisdiction vested under Article 226 of the Constitution of India.

4. I have perused the punishment order dated 18.06.2019 (Annexure P-1). I am in agreement with the reasons recorded therein. That apart, a regular departmental inquiry was conducted

against the petitioner wherein an Inquiry Officer based on the reasoned findings indicted the petitioner of the delinquency attributed to him.

5. This Court under extraordinary writ jurisdiction cannot re-appreciate the evidence adduced before the Inquiry Officer which has already been looked into by the disciplinary authority and the findings therein have been upheld for the reasons stated in the punishment order.

6. Further more, perusal of the record would reveal that the information which the petitioner has been insisting from private respondent No.2 have been after her transfer from Government School Rayyia to Government School Bulle Nangal. It should have been ensured, if at all, the same was not provided prior to her relieving from the place where she was transferred and before her joining at the transferred place.

7. The learned counsel for the petitioner submits that finding of the Inquiry Officer that respondent No.2 had handed over that record to respondent No.4-Ms. Rajdawinder Kaur, on the face of it, is incorrect. Said Ms. Rajdawinder Kaur had been relieved from the school in question on 09.06.2014 whereas respondent No.2 was relieved from the school on 06.12.2014 almost 6 months after the relieving of Rajdawinder Kaur. Learned counsel for the petitioner states that there is, thus, no question of respondent No.2 handing over the record to Ms. Rajdawinder Kaur.

8. Be that as it may, it is irrelevant whether respondent No.2 handed over the record to Ms. Rajdawinder Kaur or not. As already noted in the preceding para, it was for the superiors to ensure about the handing

over of relevant record before respondent No.2 was allowed to be relieved of her charge. Having not done so, respondent No.2 is in no manner responsible for the delinquency of the superiors.

9. Seen from any angle, writ petition is devoid of merit and is, accordingly, dismissed.

01.11.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No