

CWP no. 8720 of 2019 (O&M) 1

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

CWP no. 8720 of 2019 (O&M)

Date of Decision : 09.04.2019

Shishpal

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA**

Present : Mr. Rajneesh Chadwal, Advocate for the petitioner(s)

MAHESH GROVER, J.(ORAL)

The petitioner is impugning Annexure P-1, an order passed by the Central Administrative Tribunal. An application was filed questioning the action of the respondents in initiating disciplinary proceedings resulting in removal from service on 19.2.2004. An FIR was also lodged on 21.12.2002 under the provisions of Sections 409, 420, 467, 468, 471 IPC in which the petitioner was acquitted on 10.10.2006.

The reason to question the disciplinary proceedings was that since the petitioner stood acquitted in the criminal proceedings, the departmental proceedings would have to be discarded as the charges were identical in criminal case and the disciplinary proceedings. The Tribunal concluded that there are as many as three charges against the petitioner and it is only qua the one charge that the petitioner faced the criminal trial while

two other charges were distinct. It thus concluded that there was no bar

upon the respondents to initiate the departmental proceedings.

Before us no meaningful arguments have been advanced except the ones which were advanced before the Tribunal.

After hearing learned counsel for the petitioner and upon perusal of the impugned order we do not find any reason to interfere, particularly, when the reasoning is just. Undeniably the petitioner faced these proceedings but charges were different from the one that he faced in the criminal proceedings. No procedural error has been shown to have been committed by the inquiry officer or the competent authority.

If that be so then there would hardly be any reason to differ with the reasoning of the Tribunal. Besides the order of the dismissal was passed in the year 2004 while the petitioner filed an application before the Tribunal on 17.3.2015 after a lapse of 10 years. Impugned order of the Tribunal was passed on 22.1.2016 and the present petition has been preferred now in the year 2019 i.e after more than 3 years. The instant petition is, therefore, hit by delay and latches.

Hence, instant petition is hereby dismissed.

(Mahesh Grover)
Judge

09.04.2019
rekha

(Lalit Batra)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No