

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

**Letters Patent Appeal No.1851 of 2018 (O&M)**

Date of Decision: 06<sup>th</sup> March, 2019

Charandeep Singh

.....Appellant

versus

Chairman-cum-Managing Director, Punjab State Power Corporation Ltd.  
Patiala and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present :** Mr. Ashok Sharma Nabhewala, Advocate for the appellant.  
Mr. Sehaj Bir Singh, Advocate, for respondents No.1 to 3.  
Mr. Shireesh Gupta, Senior Deputy Advocate General, Punjab  
for respondent No.4.

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**KRISHNA MURARI, CHIEF JUSTICE**

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 31.10.2018 passed by the learned Single Judge dismissing the petition filed by the appellant herein.

2. The appellant invoked the jurisdiction conferred by Article 226 of the Constitution of India seeking the following main reliefs:-

- ii) Issue a writ in the nature of mandamus directing the respondents not to proceed with inquiry on the basis of a anonymous/pseudonymous complaint (Annexure P-1).
- iii) It is further prayed that during pendency of the writ petition any inquiry on the basis of any complaint (Annexure P-1) may kindly be stayed.

3. The aforesaid reliefs were claimed in the back ground of the facts that he is an adhoc Junior Engineer in the Punjab State Power Corporation Limited and is working for the last 18 years and during his whole career there was not even a single complaint made by any public

person and the complaint in question was got filed by respondent No.4, who is a Deputy Chief Engineer, deliberately and malafidely. The ground for challenge was that the respondents-authorities cannot hold an enquiry into an anonymous/pseudonymous complaint in view of the instructions of the government and as such the complaint is not liable to be entertained.

4. Learned Single Judge dismissed the writ petition on the ground that the government instructions being relied upon itself provide that if there is some substance in some complaint, it should be looked into and finding that the department was only conducting a fact finding enquiry into the allegations. When the appeal was taken in motion hearing, the following order was passed on 27.11.2018:-

*“Appellant-petitioner, who is a Junior Engineer, working on adhoc basis with Punjab State Power Corporation Ltd. approached this Court seeking a prayer that no enquiry should be made against him on the basis of anonymous complaints since it is in violation of the instructions dated 13.12.2006 issued by the Corporation itself.*

*Learned Single Judge after noticing the reply filed by the Power Corporation dismissed the writ petition on the ground that the same instructions record that if there is something substance in the complaints it should be looked into. Learned Single Judge also went on to record that merely because the department is proceeding to have a fact finding enquiry does not violate any right of the appellant petitioner.*

*Admittedly, there are serious charges of corruption levelled in the complaint against the appellant-petitioner. Learned counsel for the appellant submits that actually the complaint in question and many such other complaints are being made by anonymous persons at the insistence of respondent No.4-Deputy Chief Engineer, Operation Circle, Jalandhar.*

*In order to settle the controversy, we deem it fit that enquiry regarding the allegations of corruption levelled against the appellant-petitioner be referred to the Vigilance Director, State of Punjab. Vigilance Director, State of Punjab is directed*

*to conduct enquiry into the allegations levelled against the appellant-petitioner and submit a report before this Court within two weeks.*

*To be listed on 17.12.2018.*

*Mr. Shireesh Gupta, Senior Deputy Advocate General, Punjab is under an obligation to communicate this order to the Director Vigilance, State of Punjab.”*

5. In compliance of the aforesaid order, the Vigilance Department conducted an enquiry and submitted a report. A perusal of the same goes to show that the appellant herein has been found prima-facie guilty of certain charges leveled against him such as allowing a private person (lady) to perform official work in his office unofficially, as also the work of filling the cable box and other special works on need basis were being carried out by two private persons which fact was admitted by the appellant during the course of enquiry.

6. Without commenting upon the merits of the vigilance enquiry report, as the same may prejudice the case of either of the parties, we do not feel the matter requires any interference and it is for the concerned department to take a decision with regard to any action in the matter.

7. We find no illegality in the impugned judgment passed by the learned Single Judge dismissing the writ petition which may require any interference.

8. The appeal accordingly stands dismissed.

(KRISHNA MURARI)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

6<sup>th</sup> March, 2019  
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|---------------------------|---------|
| Whether speaking/reasoned | √Yes/No |
| Whether reportable        | Yes/No√ |