

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP no.7331 of 2020

Date of Decision: 12.05.2020

Jitender Singh

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanjiv Gupta, Advocate, for the petitioners.
Ms. Shruti Jain, DAG, Haryana.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner challenges the chargesheet issued to him, in which the allegation (essentially) is that the accident of a specific bus was caused due to the brakes of the bus not having been properly repaired/maintained by him.

Earlier in time the petitioners' services had also been suspended, upon which he filed CWP no.16337 of 2019, which was disposed of with a direction that upon the petitioner making a representation to the concerned authority, that would be decided within a specified period.

Thereafter, though suspension of the petitioners' services was revoked, however, the impugned chargesheet has been issued to him in the month of February.

Mr. Gupta submits that in fact the mechanics' report is to the effect that there was no fault of the petitioner and the brakes of the bus were operating perfectly well and that the accident was caused on account of the negligence of the driver of the bus (with an FIR also having been registered against him).

The said report of the mechanic was accepted by the General Manager, Haryana Roadways, Hisar Depot, and consequently, he submits that there was no absolutely no basis for the chargesheet to be issued.

Though notice of motion is still to be issued in this petition, Ms. Shruti Jain, learned DAG, Haryana, having received an advance copy thereof, has taken instructions to the effect that despite the aforesaid material relied upon by the petitioner, the competent authority in the State of Haryana has issued the chargesheet, to come to a proper conclusion with regard to the accident in question, due to which unfortunately 4 people have lost their lives, and others were injured.

Having heard learned counsel for the parties, at this stage, in my opinion, the stand taken by the respondent-State is not inappropriate, keeping in view the fact that 4 people unfortunately lost their lives; and therefore a detailed enquiry into the cause of accident would be required, despite the mechanics' report and the General Managers' recommendation, even though Mr. Gupta has further submitted that even a committee consisting of a Section Officer and a Traffic Inspector had reached the same conclusion.

This petition is consequently disposed of with a direction that the disciplinary proceedings initiated be taken to their logical conclusion at the earliest, not later than 4 months from today, unless of course the petitioner himself delays the proceedings.

Naturally, the direction above does not express the opinion of this court, in any manner, on the merits of the case of the petitioner, who would be at liberty to rely upon whatever material that he wishes to, before

the enquiry officer.

12.05.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes