

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

118

**CWP No. 8112 of 2020
Date of decision : 15.06.2020**

Sukhbir KambojPetitioner

Versus

Dakshin Haryana Bijli Vitran Nigam, Hisar and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Sartej Singh Narula, Advocate
for the caveator/respondents No. 1 to 3.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed this petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari with writ of prohibition to set aside the preliminary enquiry report dated 01.02.2018 (Annexure P-2), Charge Sheet dated 10.04.2018 (Annexure P-3) and Enquiry Report dated 29.08.2019 (Annexure P-6) as well as the Show Cause Notice dated 01.06.2020 (Annexure P-8) on the grounds of being contrary to facts and material on record, having been issued/given without considering the submissions made by petitioner, being violative of the principles of natural justice and the enquiry officer having failed to provide the relevant documents necessarily required by the petitioner to prepare his defence and show cause notice having been issued without giving any notice of dissent regarding charges No. 8 and 11 found to be not proved as per the Enquiry report dated 29.08.2019.

Learned Counsel for the respondents has submitted that the respondents will withdraw the show cause notice dated 01.06.2020 and in case the Competent Authority disagrees with the findings of the Enquiry Officer regarding charges No. 8 and 11 then the Competent Authority will issue show cause notice in accordance with the proviso to Regulation 7(25) of the Dakshin Haryana Bijli Vitran Nigam Limited Employees (Punishment and Appeal) Regulations, 2006 specifically mentioning the grounds of dissent with the findings of the Enquiry Officer and giving opportunity to the petitioner to make appropriate representation against the same and will after giving findings on the same serve another show cause notice on the petitioner or alternatively if the Competent Authority agrees with the findings of the Enquiry Officer then the Competent Authority will drop charges No. 8 and 11 and serve fresh show cause notice on the petitioner on the basis of charges No. 1 to 7, 9, 10 and 12 to 17.

Learned Counsel for the petitioner has no objection if the petition is disposed of as per the above said undertaking with liberty to the petitioner to raise all objections taken in the petition at the appropriate stage by way of appropriate proceedings.

Disposed of accordingly with liberty as aforesaid.

15.06.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No