

CWP No. 11382-2020

Date of Decision: 11.09.2020

Shamsher Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CWP No. 11827-2020

Dilbagh Singh

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Balraj Gujjar, Advocate,
for the petitioner.

Mr. R.K.S. Brar, Addl.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

These two petitions, have been clubbed together for hearing. The following order was passed in CWP No. 11382 of 2020, on 07.08.2020:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks issuance of a writ in the nature of 'certiorari', quashing the order dated 25.07.2020 (Annexure P-8), passed by the Superintendent of Police, Rohtak (respondent no. 4),

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vide which a departmental enquiry has ordered to be initiated, appointing the DSP, Headquarters, Rohtak (respondent no. 7), as the Enquiry Officer.

Learned counsel for the petitioner submits that the departmental enquiry now ordered vide the impugned order Annexure P-8, is only on account of a personal grudge held against the petitioner because earlier orders passed against him have been stayed by this court and consequently, he has been shown to be absent on one date at 08:00 a.m. in the morning, with the other date of absence, i.e. 11.01.2020, having been duly explained by him to the Lines Officer.

Notice of motion.

On the asking of the court, Mr. Gaurav Jindal, learned Addl. A.G., Haryana, accepts notice on behalf of the respondents.

Adjourned to 11.09.2020.

In the meanwhile, though the departmental enquiry may continue, it not being, at least seemingly, related to the previous alleged mis-conduct of the petitioner, however, the final order, pursuant to such enquiry be not passed, till the next date of hearing.

At this stage, learned counsel for the petitioner submits that the petitioner is not being allowed to even mark his presence on duty, with the Lines Officer having told him that he has specific instructions from the Superintendent of Police that he is not to mark his presence.

Without making any comment on the correctness of that contention raised, it is directed that if the Lines Officer does not allow the petitioner to join duty, the petitioner would immediately appear before the learned Ilqa Magistrate concerned, who would then summon the Lines Officer and ensure that the petitioner is allowed to join duty for each day that the

petitioner appears before the Ilaqa Magistrate.”

Thereafter, in CWP No. 11827 of 2020, the following order was passed on 14.08.2020:-

“Notice of motion, returnable on 11.09.2020.

To be heard along with CWP No.11382 of 2020.

In the light of the interim order granted in the connected matter filed by the other employee, who was subjected to a joint departmental enquiry under the impugned order dated 25.07.2020, there shall be a direction to the respondents not to pass any final order pursuant to such enquiry till the next date of hearing.”

Today, learned counsel for the petitioners submits that the matter having been at least presently amicably resolved, the petitioners do not wish to press these petitions but seek liberty to file fresh petitions in case they are harassed any further.

Without making any further comment on the merits of the case, or with regard to any harassment of the petitioners, these petitions are dismissed as not pressed, with the petitioners always at liberty to approach a competent court in case of any grievance that they perceive, with any such petition (s) filed to be naturally considered on its/their own merits.

September 11, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.