

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

**CWP No.11843 of 2020 (O&M)
Date of Decision:14.08.2020**

Deepak Kundu

.....Petitioner

Versus

State Bank of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rapton, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner is an employee under the State Bank of India and holding the clerical post.

A writ of certiorari is prayed for setting aside a charge-sheet dated 25.03.2019 (Annexure P-12). A prayer has also been raised to change the Enquiry Officer that has been appointed to conduct a departmental enquiry. Yet another prayer is for issuance of a mandamus to direct the respondent-Bank authorities to reinstate the petitioner.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

Pleadings on record would indicate that petitioner was placed under suspension vide order dated 12.03.2018 contemplating the holding of a departmental enquiry. In the instant petition there is no challenge to the order of suspension. Even otherwise suspension is not a penalty. The

prayer made in the instant petition seeking re-instatement is without merit.

Petitioner has been served with a charge-sheet dated 25.03.2019 (Annexure P-12) in which articles of charge have been formulated. Counsel concedes that a reply to the charge-sheet dated 04.04.2019 was filed. It is upon consideration of reply and the same having not been found satisfactory that the Enquiry Officer was appointed on 30.12.2019.

Enquiry proceedings are still pending before the Enquiry Officer.

Under such circumstances there would be no occasion for this Court to interfere with the impugned charge-sheet dated 25.03.2019 (Annexure P-12). It is not the case made out that the charge-sheet has been issued by an authority who was not competent to do so or is in violation of any statutory rule/provision. The petitioner in the capacity of an employee ought to associate with the enquiry proceedings and to set up a defence to clear himself of the charges levelled.

The prayer for change of Enquiry Officer is not based on any cogent ground. The averments made in the petition are reflective of only an apprehension of bias against the Enquiry Officer. On such bald assertion alone no direction can be issued for change of the Enquiry Officer.

No basis for interference is made out.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

August 14, 2020
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No