

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.7934 of 2018
Date of Decision : 04.02.2020

Om Parkash

.....Petitioner

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

NIRMALJIT KAUR, J. (ORAL)

The prayer in the present writ petition is for setting aside the charge sheet dated 21.01.2011.

Learned counsel for the petitioner has placed on record the order dated 19.11.2019 vide which the said charge-sheet stands dropped against the petitioner. The operative part of the order is reads as under:

“ I am of the opinion that when Mr. Sandeep Khirwar himself observed that all the prosecution witnesses are supposed to depose during trial which will progress as per the law and the Court can take appropriate decision on the basis of evidence adduced during trial and the Court after recording evidence has concluded that the prosecution has failed to prove its case, the report made by Sh. Om Prakash, charged officer pales into insignificance and no value can be attached to it. There is no allegation in the charge-sheet that the action of the charged officer in recommending discharge of Bhagat Singh was mala fide. No financial loss has been caused by any action of the charged officer to the department. The charged officer has already retired from service on 31.03.2009. In this view of the matter I am of the opinion that there is no material to warrant that the action of the charged officer in declaring Bhagat Singh to be innocent and recommending his discharge was a result of ignoring the documentary and oral evidence.

So far as the question of delay in submitting the report by the delinquent officer to the department is concerned, the Superintendent of Police, Panchkula asked Mr. Om Parkash, charged officer to submit a report within a week but in fact it was submitted after more than one month. Charged Officer has contended in his civil writ petition, copy at page No.3 to 18 of the first inquiry file, that he was having charge of different police stations and due to the pressure of the work he could not submit his report within stipulated time. The department has not examined any witness in its evidence who could say that the report was deliberately delayed by the charged officer and there was some motive or mala fide intention behind the delay. Thus, there is no evidence on record which could show that the delay in submission of the report was not on account of sufficient grounds or it was motivated.

For the reasons recorded above, I am of the view that the allegations against Sh. Om Parkash, charged officer are not duly proved by the department and he is entitled to be absolved of the charges.”

In view of the above, the present petition is rendered infructuous.

Disposed of as having been rendered infructuous.

February 04, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No