

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

.....

CWP No.351 of 2021

Date of decision: 25th March, 2021

Tara Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

.....

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

.....

Present: Mr. Ravish Bansal, Advocates for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL):

By way of the instant petition, the petitioner seeks the indulgence of this Court for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to expeditiously consider and decide his representation dated 07.10.2020 and reminder dated 26.12.2020 (Annexures P-1 and P-2 respectively), as moved by him to them and he has further prayed for directing the said respondents to initiate the departmental/disciplinary proceedings against and to award adequate punishment to respondent No.4 for his various acts of omission and commission quite unbecoming of a Government employee and also to incorporate the decisions rendered by various Courts of law against him, in his service record, while averring that he and respondent No.4 are having disputes

between them since long as respondent No.4 wants to usurp his (petitioner's) land which adjoins his own land. Their disputes remained under *lis* before various Courts of law, civil as well as criminal and the same have been decided against respondent No.4. However, the said respondent is posted as M.E.EE in the Traffic Engineering Cell, Chandigarh in Public Works Department (Buildings and Road Branch) Punjab and has been misusing his official status/position during the said proceedings which amounts to misconduct on his part and is also unbecoming of a Government Employee and therefore, the same renders him liable to face the disciplinary proceedings as envisaged under Rule 3(1)(iii) of the Government Employees Conduct Rules, 1966 (for short 'Rules of 1966'). Though he moved the said representation (Annexure P-1) and also sent the reminder (Annexure P-2) to respondents No.1 to 3 in this regard but no action has been taken by them in respect thereof.

2. Ms. Sunint Kaur, learned Assistant Advocate General, Punjab, has joined the proceedings on behalf of respondents No.1 to 3 in this case, in pursuance of the copies of this petition having been sent to the respondent-State in advance.

3. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition, at the preliminary stage and have also perused the file thoroughly.

4. Learned counsel for the petitioner contends that respondent No.4 and the petitioner were having the disputes, civil as well as criminal in nature, between them and the litigation qua the same was also initiated in

various competent Courts but the decisions handed down by the said Courts have gone against respondent No.4 who misused his official position during the pendency of the said disputes and therefore, the petitioner moved the said representation and also sent the reminder to the official respondents with a request to initiate departmental/disciplinary proceedings against and award adequate punishment to respondent No.4 and also to incorporate the decisions, as rendered against him by various Courts, in his service record.

5. Per contra, learned State counsel argues that the litigation is still pending between the petitioner and respondent No.4 before various Courts and the present petition is not maintainable.

6. Admittedly, there have been long drawn disputes between the petitioner and respondent No.4 which have remained pending before the competent Courts and in paras No.3 and 4 of this petition, the petitioner has given the details of the Civil Suits which have been decided against respondent No.4 but he has not been able to show as to how merely being a party to the said litigation, even if the same has been decided against respondent No.4, can be termed as the conduct on his part, unbecoming of a Government employee as provided under the Rules of 1966.

7. Then, in paras No.5 and 6 of the instant petition, the petitioner has averred that respondent No.4 got a criminal case registered against him (petitioner) wherein he has been acquitted and that the said respondent moved application dated 14-02-2005 before the Scheduled Castes Commission and misused his official position in procuring an order favouring him but again, the fact remains that the petitioner has not been

able to explain as to how on account of initiating the said proceedings against him (petitioner) in his personal capacity, respondent No.4 can be held to have indulged in the conduct unbecoming of a government employee. Moreover, learned counsel for the petitioner also discloses that the petitioner has preferred CRM-M No.21399 of 2017 to assail the order passed by the trial Court regarding the dismissal of the complaint as preferred by him against respondent No.4 under Section 500 IPC.

8. To add to it, it is entirely for respondents No.1 to 3 to deal with the said representation Annexure P-1 as this matter falls entirely within the domain of their administrative functions and the petitioner has not placed any material on the file to show any mala fides, arbitrariness or perversity on the part of these respondents in performing the same, so as to call for any interference by this Court.

9. As a sequel to the foregoing discussion, it follows that the instant petition, being sans any merit, deserves dismissal. Accordingly, the same stands dismissed.

March 25, 2021.

(MEENAKSHI I. MEHTA)
JUDGE

hsp

NOTE:

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether Reportable?</i>	<i>Yes/No</i>