

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

**CWP-1170-2021(O&M)
Date of Decision: 19.01.2021**

Dharam Pal

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Gurinder Pal Singh, Advocate for the petitioner.

Mr.Sharan Sethi, Addl.AG, Haryana.

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 who is serving on the post of ASI under the Haryana Police has filed the instant petition assailing a show cause notice dated 18.12.2020 (Annexure P-7) contemplating the imposition of major penalty of dismissal from service.

Pleadings on record would indicate that a charge sheet dated 30.06.2020 (Annexure P-4) was served on the petitioner, essentially levelling an allegation that he had entered into service on the basis of a 10th pass certificate and a copy of which has not been found in the office records and inspite of the petitioner having been called to obtain a duplicate copy,

the same having not been furnished. Accordingly allegation of gross negligence and indiscipline was also raised. Apparently a regular departmental inquiry was ordered. Sh. Prem Krishan, HPS, DSP/T was appointed as the inquiry officer. An inquiry report dated 13.11.2020 was submitted returning findings against the petitioner. It is on the basis of such inquiry report that the impugned show cause notice dated 18.12.2020 (Annexure P-7) has been served upon the petitioner.

Counsel for the petitioner during the course of arguments makes a statement that he would not be pressing the challenge to the show cause notice dated 18.12.2020 at this stage. He, however, craves the indulgence of this Court for directions to be issued to be supplied a complete copy of the inquiry report so as to effectively respond to the show cause notice.

Submission advanced by counsel is found to be just and fair.

An advance copy of the petition had been served upon State of Haryana. Mr. Sharan Sethi, learned Addl. AG, Haryana, upon instructions from Sh. N. K. Sharma, DDA, District Head Quarters, Panchkula takes a very fair stand that a complete copy of the inquiry report would be supplied to the petitioner within a period of one week from today.

In view of the above the instant writ petition is disposed of.

Liberty is granted to the petitioner to file a response to the show cause notice within a time period of two weeks after a complete copy of the inquiry report is furnished to him. It would thereafter be open for the competent authority to take into consideration the reply that may be filed on behalf of the petitioner to the show cause notice and to pass orders in accordance with law.

Writ petition is accordingly disposed of

It is clarified that this Court has not examined the case on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

19.01.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No