

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 5280 of 2021

Date of Decision: 05.03.2021

Sandeep Kumar Dhuria

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. G.P.S. Bal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The grievance of the petitioner in the present case is that he has been served with a charge-sheet. Though the charge-sheet itself states that he would be provided the documents that he wishes to see, however, the said documents have not been provided to him.

Learned counsel for the petitioner would contend that despite the charge-sheet dated 01.02.2021 (Annexure P-1) clearly stating that the petitioner could see the record, the same has not been made available to him.

Notice of motion.

On the asking of the Court, Ms. Ambika Bedi, A.A.G., Punjab has joined the session through video conferencing and accepts notice on behalf of the respondents. She on instructions from Mr. Maninder Singh, Sr. Assistant, O/o Director Public Instructions (SE), Punjab states that the petitioner was given the opportunity to inspect the documents and he also inspected the same. It is further stated that in case the petitioner still wishes to inspect the record, the same would be made available to him.

The learned State Counsel has further pointed out that the letter dated 01.02.2021 (Annexure P-1) specifically states that only that record

will be shown to the petitioner which is available with the concerned officer and which is related to the case and also if, in the opinion of the officer showing the record, it is not in the public interest, inspection of the same will be denied. It has further been stated in the letter that in case the petitioner wants to inspect the other record, which is not kept in the office, the same shall not be considered an appropriate reason for non-submission of the reply.

I have heard learned counsel for the parties.

In view of the stand taken by learned State counsel, the petitioner is directed to go to Service-3 Branch, O/o the Director Public Instructions (SE), Punjab, Mohali on 08.03.2021 at 11.00 a.m. to inspect the record as available. The petitioner shall be permitted to inspect the record and shall be given copies of the documents if so desired, as available on record in the said office. It is made clear that the opportunity given to him to inspect the record would not in any manner be construed as a reason for non-filing of the written reply in the absence of record not being available with the authorities.

Disposed off in the above terms.

(ALKA SARIN)
JUDGE

5th March, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO