

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP-9072-2021

Date of Decision: April 27, 2021

Raman Kumar

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajeev Anand, Advocate,
for the petitioner.

(Presence marked through video conference)

ARUN MONGA, J.

1. Petitioner, a Head Constable in the Railway Protection Force, seeks quashing of the impugned Charge-sheet dated 05.11.2020 (Annexure P-5) as also the findings returned by the Inquiry Officer, qua Charges Nos. 1 and 2 of the Charge Sheet dated 05.11.2020 (Annexure P-5), in the Inquiry Report dated 25.03.2021 (Annexure P-12).

2. Impugned charge-sheet was served under Section 9(i) of the Railway Protection Force Act, 1957 (amended under Act of 1985) read with Rule 153 of the Railway Protection Force Rules, 1987. For the alleged misconduct enumerated in the statement of Articles of total four Charges, it was proposed therein to hold an enquiry against the petitioner. Charge Nos. 1 and 2, being relevant in the present context herein, are reproduced as under:-

“1. You were absented from duty without leave on 24.06.2020. Because of which you are accused of being careless towards duty. Charge – Violation of RPF Rule 146.2(iii).

2. In an inquiry on 10.08.2020 before ASC/RPF/JUC, you have tried to mislead the administration by giving a false statement. Charge – Violation of RPF Rule 146.6(i).”

3. Adverse findings against the petitioner qua Charge Nos. 1 & 2 have been recorded in the inquiry report dated 25.03.2021. Whereas, the other Charge Nos. 3 and 4 were not proved.

4. The inquiry report is stated to be still pending consideration of the competent authority. No final order, either way, has been passed so far. In the premise, *prima facie*, instant petition seems to be pre mature.

5. However, learned counsel for the petitioner, *inter alia*, submits that the aforesaid two charges are ex facie arbitrary and have been purportedly proved totally against the evidence on record. He, therefore, seeks quashing of the same at the threshold itself.

6. Be that as it may. I see no grounds at this stage to delve on the merits as canvassed by the learned counsel. Accordingly, without commenting thereupon, both on what is argued before me and/or pleaded in the writ petition, the petition is disposed of with liberty to the petitioner to give appropriate response to the inquiry report, in accordance with law.

7. Learned counsel for the petitioner submits a detailed representation dated 18.04.2021 (Annexure P-13) qua inquiry report has already been filed by the petitioner. In the premise, the competent authority is directed to look into the same before taking any final decision. In case an adverse order is passed, 15 days prior notice would be given to the petitioner before implementation of the same, so as to enable him to seek appropriate legal remedy qua the same.

(ARUN MONGA)
JUDGE

April 27, 2021

P Kapoor

Whether Speaking/Reasoned:

YES/NO

Whether Reportable:

YES/NO