

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

**(209) CWP-9364-2020
Date of Decision: January 12, 2021**

Deepak Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(2) CWP-9363-2020

Manoj Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(3) CWP-9641-2020

Parveen Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(4) CWP-9476-2020

Kuldeep Singh .. Petitioner

Versus

State of Haryana and others .. Respondents

(5) CWP-9486-2020

Amit Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohnish Sharma, Advocate, for the petitioner(s)
(in all the petitions).

Mr. Sharad Aggarwal, AAG, Haryana,
for respondent No.1 (in all the petitions).

Mr. Parveen Chauhan, Advocate, for,
Mr. G.S. Wasu, Advocate, for respondents No. 2 to 6,
(in CWP Nos. 9364 and 9363 of 2020).

Mr. Baldev Raj Mahajan, Senior Advocate with
Mr. Hitesh Pandit, Advocate, for respondent No.2 to 6
(in CWP Nos. 9641 and 9476 of 2020).

Mr. Baldev Raj Mahajan, Senior Advocate, with
Mr. Anil Chawla, Advocate, for respondents No. 2 to 6,
(in CWP Nos. 9486 of 2020).

HARSIMRAN SINGH SETHI, J.(ORAL)

By this common order, five writ petitions are being disposed of, the details of which have been given in the heading of the order as all the writ petitions involve same question of law and are based on similar set of facts.

The grievance which has been raised by the petitioner(s), in the aforementioned writ petitions is that show cause notices have been issued to all the petitioners on 25.06.2020 (Annexure P-5) during the departmental proceedings being conducted against them without supplying them the enquiry report alongwith the show cause notices, hence their right to defend themselves properly in the departmental proceedings has been violated keeping in view the judgment of the Hon'ble Supreme Court of India in **Managing Director, ECIL, Hyderabad Vs. B. Karunakar, 1993(4) SCC 727**, according to which, enquiry report must be furnished to the delinquent employee alongwith the show cause notice.

Learned counsel appearing on behalf of the respondents submits that though, the enquiry report was not furnished alongwith the

show cause notices dated 25.06.2020 (Annexure P-5) but subsequently the said enquiry report has already been furnished to all the petitioners for their comments and in fact, all the petitioners have already filed their detailed replies to the show cause notices raising objections which they have qua the conduct of the departmental proceedings as well as the enquiry report.

Learned counsel for the petitioner(s) does not dispute the said fact and submits that the petitioner(s) will be satisfied, at this stage in case, a direction is issued to the respondents to pass appropriate speaking orders by considering the replies which the petitioner(s) have submitted to the show cause notices.

Learned counsel for the respondents submits that an appropriate speaking order, after taking into consideration the reply submitted by the petitioner(s), will be passed by the competent authority in respect of the disciplinary proceedings which are pending against them, as being prayed by the petitioner(s).

Learned counsel for the petitioner(s) submits that keeping in view the statement given by the learned counsel for the respondents, the grievance of the petitioner(s), as raised in the aforementioned writ petitions, stands satisfied at this stage and the petitioner(s) do not wish to press these petitions any further.

Learned counsel for the petitioner(s) submits that if orders, which will be passed by the respondents causes prejudice to the petitioner(s), they be given liberty to avail appropriate remedy for the redressal of their grievances.

It goes without saying that in case, the petitioner(s) are aggrieved in any manner against the order passed by the respondents in the

disciplinary proceedings which are being held against them, the petitioner(s) will be free to avail appropriate remedy as envisaged under law for the redressal of their grievance, if any.

Keeping in view the above, all the writ petitions are disposed of having been not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

January 12, 2021
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No