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

**CWP No.13447 of 2021
Date of Decision:27.07.2021**

Veerbal Singh

...Petitioner

Versus

State of Haryana and others

....Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr.Pawan Kumar Mutneja, Sr. Advocate, with
Mr.Brijesh Kumar, Advocate,
for the petitioner.

Ms. Sharad Aggarwal, AAG. Haryana.
(keeping in view the advance copy given)

Mr.R.K. Doon, Advocate,
for respondents No.2 to 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, prayer of the petitioner is for setting aside the order dated 29.12.2020 (Annexure P-11) and the consequent charge-sheet dated 08.7.2021 (Annexure P-16).

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is not against holding of an impartial enquiry into the allegations but according to him, the answer to the charges is a foregone conclusion keeping in view of the fact that a preliminary enquiry, which is the basis of the impugned charge-sheet dated 8.7.2021, was conducted by the Government.

Learned senior counsel for the petitioner further submits that the present charge-sheet is not issued by an independent decision by the Managing Director but has been forced upon the disciplinary authority by respondent No.2 and, therefore, there would not be any impartial enquiry in the facts and circumstances of the case though, the petitioner has answers to all the allegations alleged against him in the charge-sheet. Learned senior counsel for the petitioner further argues that on the basis of the preliminary enquiry, the respondents are going to recover an amount even without holding an enquiry into the allegation, which is unknown in the service jurisprudence.

Mr. R.K. Doon, Advocate, appearing on behalf of respondents No.2 to 4, which includes the disciplinary authority of the petitioner, which has issued the charge-sheet dated 08.7.2021 (Annexure P-16), submits that no recovery of any amount will be done from the petitioner until and unless the enquiry proceedings are concluded and any action need to be taken, will be based upon the ultimate order to be passed by the disciplinary authority on the charge-sheet issued to the petitioner. Therefore, the apprehension of the petitioner that the recovery is being done even before holding the enquiry is totally misplaced.

Learned counsel for respondents No.2 to 4 further submits that the apprehension of the petitioner that the result of the enquiry is a foregone conclusion is also misplaced as, all the arguments, which the petitioner has raised including the justification to the charges raised in this petition, if raised before the authorities during the enquiry, will be given due consideration by the enquiry officer and thereafter by the punishing authority as well while arriving at a conclusion and hence the apprehension being raised by the petitioner that outcome of the allegations alleged in the charge-sheet is a

foregone conclusion is incorrect and false and the said apprehension of the petitioner is misplaced.

Learned senior counsel appearing on behalf of the petitioner submits that keeping in view the statement of the learned counsel for the respondent, he does not press this petition and further as the petitioner has answers to the charges alleged against him and as he has done no wrong, he will defend himself properly during the enquiry proceedings. Learned senior counsel further submits that in case the petitioner has any grievance left after the enquiry proceedings are over, he be given due liberty to avail an appropriate remedy, in accordance with law, for the redressal of those grievances.

Needless to say, the petitioner, in case, is aggrieved in any manner by the outcome of the enquiry proceedings, will be at liberty to avail an appropriate remedy for redressal of his grievances, in accordance with law.

No further orders are required to be passed in the present case.

Writ petition is disposed of as not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

27.07.2021

Vivek

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