

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

**Civil Writ Petition No. 12884 of 2021 (O&M)
Date of Decision: 16.08.2021**

Baljeet Singh, District and Sessions Judge,
Jind (Retd.), R/o Gurgaon, Haryana-122505.

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. S.K. Garg Narwana, Senior Advocate, assisted by
Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Vivek Saini, Additional Advocate General, Haryana
for respondent No. 1 – State of Haryana.

Ms. Swati Batra, Advocate
for respondent No. 2 – Punjab & Haryana High Court, Chandigarh.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

Petitioner – Baljeet Singh, who has retired as District and Sessions Judge from Haryana Superior Judicial Service Cadre, has filed the instant petition praying for setting aside the impugned order dated 16.01.2019 (**Annexure P-9**), whereby minor penalty of recordable warning to be careful in future has been imposed upon the petitioner by the High Court, Chandigarh.

[2] It is the contention of learned Senior Counsel appearing on behalf of petitioner that the Vigilance / Disciplinary Committee in its meeting dated 03.05.2017 (**Annexure P-5**), after perusing the complaint dated 24.03.2015 (**Annexure P-2**); comments of petitioner dated 12.07.2016

(Annexure P-4); and request of complainant dated 21.03.2017, only recommended that *“the petitioner be advised to be careful in future”*. However, vide impugned order dated 16.01.2019 (P-9), a minor penalty under Rule 4 (a) of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 has been imposed by the Full Court, which has caused irreparable damage to the twenty-nine (29) years of unblemished service career of petitioner as a Judicial Officer, especially jeopardizing his future prospects seeking re-employment in any other service.

[3] We have heard learned counsel for the petitioner and scrutinized the paper-book.

[4] It is an admitted position that on 01.04.2014, one Nachhatar Singh and his son Gurcharan Singh @ Channa and others had caused injuries to Rupender son of Rajender Singh (cousin brother of petitioner) and regarding this incident an FIR No. 98 dated 02.04.2014 under Sections 148, 149, 341, 323, 324 of IPC was registered. It is further not in dispute that another FIR No. 243 dated 08.07.2014 under Sections 147, 148, 323, 285, 342, 356, 307 IPC and Section 25/27 of Arms Act was also registered against Nachhattar Singh and his son-Gurcharan Singh alongwith others pertaining to some other incident. It is pertaining to this FIR No. 243 that the petitioner called up the concerned DSP, Fatehabad, who was dealing with the case and allegedly apprised him about the antecedents of Nachhattar Singh and his son. However, Nacchattar Singh moved a complaint dated 24.03.2015 (P-2) against the petitioner alleging that petitioner is interfering in the investigation being carried out against him and petitioner is wrongly trying to influence the police officials. This matter

was enquired into by the Vigilance Department of High Court of Punjab and Haryana and during the said enquiry, the complainant-Nachhatar Singh filed an affidavit dated 24.03.2015 requesting withdrawal of his complaint dated 24.03.2015 **(P-2)**. Consequently, the Vigilance / Disciplinary Committee in its meeting held on 03.05.2017 **(P-5)** recommended that the petitioner be advised to be careful in future after considering the documents placed before it.

[4.1] It is further apparent from the record that despite the aforesaid recommendation dated 03.05.2017 **(P-5)**, the Registrar Vigilance issued show cause notice dated 30.05.2018 **(Annexure P-6)** upon the petitioner to show cause as to why one of minor penalty as provided in Rule 4 (a) of the Haryana Civil Services (Punishment and Appeal) Rules 2016 be not imposed. Although a detailed reply was filed by the petitioner, however, vide order dated 16.01.2019 **(P-9)**, a minor penalty of recordable warning to be careful in future was imposed upon the petitioner.

[4.2] From a perusal of the facts, it is clear that the petitioner, who was posted as Additional District and Sessions Judge, Rewari had indeed called DSP, Fatehabad – Mr. Vijay Kumar. Even if it is taken that there was no misuse of the power by petitioner, however, it is apparent from the transcript appended with the writ petition as **Annexure P-8** (which pertains to conversation between petitioner and DSP, Fatehabad) that an official from petitioner's office had called the DSP and introduced the petitioner as "ADJ, Rewari". Further, the transcript shows that petitioner was intimating about the bad character of Nachhatar Singh etc. and requesting for taking action. Meaning thereby, the petitioner had not called the DSP in his

personal capacity but had introduced himself as an Additional District Judge, Rewari and was requesting for a favour. It is pertinent to observe here that it is not always required that in order to intimidate or influence a person, words are to be used. Sometimes the act and overall conduct of an individual is sufficient to overawe the other person. Here, when an Additional District Judge calls a DSP, apprising him about the antecedents of accused of an ongoing investigation, it cannot be said that there was no misconduct at all on part of petitioner. Hence, we are convinced that howsoever novel the intentions might have been of the petitioner, it did not give him a right to call upon a police official by utilizing his office and designation for his own individual favour. Thus the argument that the petitioner was posted as Additional District Judge, Rewari and was in no position to influence the investigations conducted by DSP, Fatehabad being outside the jurisdiction of Rewari, is untenable, hence rejected.

[4.3] As far as the argument raised by petitioner *vis-à-vis* recommendation dated 03.05.2017 (P-5) of the Vigilance / Disciplinary Committee is concerned, we are of the view that the same is not binding upon the Full Court. As is evident from the wording of the Committee, the same are mere recommendations, which can be deviated / rejected by the Full Court. For smooth functioning of day-to-day matters pertaining to control over the Subordinate Judiciary, the High Court has the power to authorize and empower an Administrative Judge or an Administrative Committee of Judge to act on behalf of the Court. However, it does not mean that the decisions made or conclusions arrived at by the Committee would be binding on the Full Court or that the Full Court would not be

within its jurisdiction to take a different view in the matter. This view of ours is supported by the latest decision rendered by Hon’ble Supreme Court in ***Writ Petition (Civil) No. 696 of 2021, titled “Rajinder Goel Versus High Court of Punjab and Haryana and Anr.***, decided on **02.08.2021**, whereby in somewhat similar situation, the Hon’ble Supreme Court has upheld the power of Full Court to take a different view from the one taken by a Vigilance Committee.

[5] In view of the above, finding no merit in the instant writ **petition**, the same is hereby ordered to be **dismissed**.

(JASWANT SINGH)
JUDGE

August 16, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	Yes