

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

CWP-19313-2021

Date of decision:-24.9.2021

Major Shaveta Sharma Nagarkoti

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ravi Verma, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner Major Shaveta Sharma Nagarkoti has brought the instant civil writ petition against respondents i.e. State of Haryana through the Additional Chief Secretary to Government of Haryana, Haryana Shehari Vikas Pradhikaran, Chief Engineer-1, Haryana Shehari Vikas Pradhikaran and Superintending Engineer, Haryana Shehari Vikas Pradhikaran and Executive Engineer, Haryana Shehari Vikas Pradhikaran, craving for issuance of a writ in the nature of certiorari for quashing impugned memo/letter dated 11.6.2021 (Annexure P3) vide which petitioner was issued charge-sheet under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 2016 as well as subsequent

proceedings including appointment of Inquiry Officer vide order dated 6.8.2021.

According to the petitioner this has been so done with a *mala fide* intention to stall her promotion to the post of Superintending Engineer.

I have heard learned counsel for the petitioner besides going through the records.

The petitioner has been served with a charge-sheet on the allegations that while she was working as Executive Engineer, HSVN Division No.VI, Gurugram work for providing External Storm Water Drainage in Sectors 81 to 98, Urban Estate, Gurugram was executed by Contractor under her supervision. However, on representative samples of the above work being collected by team of State Vigilance Bureau, which were sent to Director, FSL, Madhuban (Haryana), as per report received therefrom, the samples were found to be sub-standard not having the required specifications of material used, in that way, she was negligent in performance of her official duties causing loss of Rs.3,73,950/- to the State. Of course an employer has got a right to look into the allegations of misconduct against its employee. The respondents are adopting the proper procedure as provided under the rules by serving charge-sheet upon the petitioner giving her an opportunity of presenting her version and then appointing an inquiry officer to find out as to whether the allegations levelled in the charge-sheet are correct or not. The petitioner would get an opportunity to cross-examine the departmental witnesses, get her own statement recorded and produce evidence in defence during the inquiry.

She cannot just get the charge-sheet and subsequent proceedings quashed by labelling those as illegal, arbitrary, discriminatory with *mala fide* intention without producing on record sufficient material to substantiate those assertions. I do not find anything wrong with the act and conduct of the respondents in the matter. No ground for interference with the impugned memo/letter is called for by way of issuing a writ.

Even otherwise, a writ is to be issued in exceptional cases and not in routine. Here I do not find any reason to exercise such power.

The instant writ petition is dismissed accordingly.

24.09.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No