

CWP-35162-2019(O&M)
and connected cases **1**

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

1. CWP-35162-2019(O&M)

Aarti Sharma
.....Petitioner

Versus

State of Punjab and others
.....Respondents

2. CWP-37129-2019(O&M)

Ambika
.....Petitioner

Versus

State of Punjab and others
.....Respondents

3. CWP-36960-2019(O&M)

Narinderjit Kaur
.....Petitioner

Versus

State of Punjab and others
.....Respondents

4. CWP-1605-2020(O&M)

Jaspreet Singh
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CWP-35162-2019(O&M)

and connected cases

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5. CWP-8020-2020(O&M)

Yuvraj Jaiswar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

Date of decision: 25.01.2021

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sukhandeep Singh, Advocate for the petitioner
in all petitions

Mr. T.P.S.Chawla, DAG, Punjab

ANIL KSHETARPAL, J.

By this order, CWP-35162-2019, CWP-36960-2019, CWP-37129-2019, CWP-1605-2020 and CWP-8020-2020 shall stand disposed of.

Learned counsel for the parties are ad idem that these petitions can be disposed of by a common order. In all these writ petitions, the petitioner in each of the writ petition challenges issuance of charge-sheet under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

The facts are being taken from CWP-35162-2019 which is the lead case. The respondents allege that wheat stock for crop years MRS 2012-13 and MRS 2013-14 stored in P.R. Centres, Sukhmani Open Amritsar Complex, PR Centre, Mahala Open Complex Verka and Nangali Complex was found short to the extent of approximately 56,000

quintals. All the petitioners are alleged to have been posted in the aforesaid centres.

The petitioner has challenged the issuance of show cause notice on the ground that she never remained posted in those centres, which fact is strongly disputed by the respondents in the written statement. It has been pointed out that there are two posting orders. First is dated 30.3.2012 whereby the petitioner was posted as Inspector at Mittal Storage Complex, Kathania Amritsar. However, due to insufficient stock a revised posting order was issued on 04.05.2012 deputing the petitioner at Sukhmani Complex. The writ petitioner disputes the correctness of these orders.

Thus, it is apparent that the respondents are disputing the contention of the petitioner that she never remained posted at the aforesaid complexes.

Keeping in view the aforesaid facts, this Court is of the considered view that the petitioner is required to be relegated to the alternative remedy. Firstly, there are disputed questions of fact involved which cannot conveniently be adjudicated in the writ petition. Secondly, as of now, no order of punishment has been passed. The writ petitioner in each of the writ petition have only been issued a charge-sheet. A charge-sheet does not result in infringement of rights of a party. The decision on the charge-sheet would be required to be taken after conducting a departmental inquiry. Hence, the writ petition is also premature.

Keeping in view the aforesaid facts, these writ petitions are disposed of by relegating the petitioners to the alternative remedy, leaving it open to the parties to take all the points as are available in law.

Disposed of.

25 .01.2021
rekha
Whether speaking/reasoned
Whether Reportable

Yes /No
Yes / No

(ANIL KSHETARPAL)
JUDGE