

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

CWP-11545-2000 (O&M)

Date of decision: May 24, 2022

Kanchan Soni and others (LRs of petitioner Narain Dutt Soni)

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari seeking to quash impugned order dated 21.08.1989 (Annexure P-3) whereby petitioner was dismissed from service based on his conviction by the trial Court in a case under Section 409 of IPC, though later on the appellate Court acquitted him on an appeal filed by him.

2. Petition was admitted for hearing on 14.11.2002.

3. During pendency of the writ proceedings, petitioner-Narain Dutt Soni expired and his LRs were impleaded. When taken up for final adjudication, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, the petitioners seem to have lost interest in pursuing the same.

4. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible in view. Reference may in particular be had to the stand taken in Para-2 of the reply filed by respondents

No.1 to 4.

5. Learned State counsel has canvassed arguments on similar lines as per the defense taken in written statement.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. Criminal proceedings and the departmental proceedings arising out of the same set of allegations operate in different spheres having different import. No doubt, petitioner was acquitted by the Sessions Court but the competent authority decided to initiate disciplinary action vide an order dated 19.03.1996 (Annexure P-6) resulting in issuance of charge-sheet under Rule 7 (Punishment & Appeal) Rules, 1987 and the following charges were leveled against the petitioner:-

- “1) *He had misappropriated to 2115 Ltrs of MLO which was found short on physical verification on dated 10.11.81.*
- 2) *He tampered with the official records.*
- 3) *He intentionally concealed the fact of not taking over the charges of MLO stock though actually he had been issuing the MLO whereas he took the charge of other Larvicides and other items. He never informed his immediate officer about it. Further confirming it, he had given a certificated on 10.11.81 that he had “Taken over the complete charge from H.I. Shri Surinder Singh, according to the balance of the Register”.*

8. In order to aspect the delinquency of the petitioner as alleged against him per charge-sheet, an enquiry officer was appointed who rendered his report dated 09.04.1997 whereby the petitioner was inducted *qua* charges leveled against him. Subsequently a show-cause notice was issued and the copy of enquiry report was also given to the petitioner eventually leading to awarding of punishment of stoppage of one increment with cumulative effect along with recover of Rs.7,021/-. To be noted that it is not a case where the punishing

authority did not apply its mind as is borne out from the record, since originally the show-cause notice issued to the petitioner was for stoppage of two increments with cumulative effect along with recovery, but after considering the reply of the petitioner to the show-cause and after duly granting him personal hearing, a lenient view was taken and the proposed punishment was reduced merely to one increment, that too, without cumulative effect. In the overall premise, I see no irregularity of any kind committed by the competent authorities in passing the impugned order which requires any judicial intervention. The same is accordingly, upheld.

9. In view of the aforesaid, no grounds are made out to interfere.

10. Dismissed.

(ARUN MONGA)
JUDGE

May 24, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No