

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

Sr. No.591

CWP-17022-1999 (O&M)

Date of decision: May 19, 2022

Dr. C.S. Chhajed

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of certiorari to quash order dated 21.09.1999 (Annexure P-10) whereby a punishment of stoppage of one increment with cumulative effect was given to the petitioner.

2. Petition has been lying admitted since 15.10.2001.

3. When called out for hearing, there is no representation on behalf of petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 22 years before this Court, it has been rendered infructuous and/or petitioner seems to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para No.3 of preliminary objections of the written statement filed on behalf of respondent Nos.1 to 3, which is reproduced herein for ready reference:

“3. That Dr. C.S. Chhajed, Medical Officer was posted for postmortem duty on dated 19.10.93 & 31.10.93. But when on 19.10.93/Police brought the body of deceased Sh. Shyam Lal son of Shri Chandgi Ram and on 31.10.93 – deceased Sh. Munni Lal son of Shri Nafe Singh village Sultanpur (Hisar) and Naresh Kumar son of Sh. Rohtash Singh resident of Ramwala (Hisar) for postmortem then this officer was absent from his duty on both the dates and this officer was also not available at his house. Many people met Deputy Commissioner Rohtak. According to the orders of Deputy Commissioner, Munni Lal & Naresh Kumar’s postmortem was not through Dr. Subhash Juneja, Medical Officer. On dated 19.10.93, the postmortem of

deceased Shyam Lal could not be done. This postmortem was done on 20.10.93. Thus Dr. Chhajed, Medical Officer is guilty and remaining absent from his duty willfully without obtaining any permission from any offer and committed lapse in performing his duty.

Dr. C.S. Chhajed, Medical Officer replied to the chargesheet served to him on 28.7.95 upon which Director General Health Services, Haryana by his letter No.94/C(28)-2E4/870 dated 15.11.96 sent his comments upon this matter to the Govt. Dr. C.S. Chhajed, Medical Officer refuted the charges leveled against him as baseless and untrue. By the evaluation of the reply to the chargesheet given by the said officer, comment of the Directorate and other related records it is clear that the charges leveled against the officer are proved. Govt. in his order No.6/274/93-4HBI dated 12.3.97 appointed Dr. Ramesh Kumar, Civil Surgeon Jind as Inquiry Officer for the inquiry of this matter. The Inquiry Officer submitted his report to the Govt. vide his letter No.98/396 dated 15.4.98. The Govt. after careful examination the Inquiry Report and other record and after finding the charges against this officer to be proved issue a show cause notice to C.S. Chhajed vide its memorandum 6/274/93-4HBI dated 24.9.98 for stoppage of one annual increment with cumulative effect. Dr. Chhajed submitted his reply to show cause notice on 19.11.98. The Govt. considering the reply of the officer found the punishment indicated in show cause notice to be satisfied. The Govt. vide its letter No.6/274-4HBI dated 6.4.99 wrote to the Haryana Public Service Commission, Chandigarh for approval for stoppage of one annual increment with cumulative effect of Dr. C.S. Chhajed. Haryana Public Service Commission granted its approval to the proposal vide its letter No.7/99/14754 dated 23.7.99. The Govt. has examined the charges leveled against Dr. C.S. Chhajed, reply to the chargesheet, comments of the Director, Health Services, Haryana report of Inquiry Officer, reply to show cause notice and all other related documents deeply and awarded the punishment to stoppage of one increment with cumulative effect vide order dated 21.9.99 which are sustainable in the eyes of law.”

5. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted either by way of replication or by way of any additional affidavit and the assertions made therein therefore remain unrebutted.

6. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

7. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

May 19, 2022
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No