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

CWP-7827-2022

Date of Decision: 19.04.2022

Subhash Chander

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil K.Nehra, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the challenge is to the impugned charge-sheet dated 04.02.2021 (Annexure P-1).

Learned counsel for the petitioner argues that before issuance of the charge-sheet dated 04.02.2021 (Annexure P-1), on the basis of a complaint filed by the Contractor concerned, a preliminary enquiry was entrusted to the Vigilance Department of the Haryana Police, wherein the said enquiry was conducted at the level of the Deputy Superintendent of Police of the Department concerned, who, after ascertaining all the facts, did not find any fault with regard to the conduct of the petitioner and the said report was even forwarded by the higher authorities for acceptance of the same, but keeping in view the objection raised to the said report of the Deputy Superintendent of Police by the higher authorities in the State Government, without conducting any further preliminary enquiry into the allegations, the Inspector General of Police in the Department of Vigilance straightaway directed that a departmental enquiry should be conducted

against the petitioner into the allegations being alleged by the contractor, which has resulted into the issuance of impugned charge-sheet dated 04.02.2021.

Learned counsel for the petitioner argues that the impugned charge-sheet dated 04.02.2021 (Annexure P-1) is liable to be set aside on the sole ground that report of the Deputy Superintendent of Police, after conducting the preliminary enquiry, exonerated the petitioner and the said report was also accepted by the Inspector General of Police, but after the higher authorities in the State Government raised certain objections, the Inspector General of Police, without conducting any further enquiry, passed a contradictory order to his earlier stand of not conducting any further enquiry against the petitioner in respect of the allegations alleged by the Contractor. Learned counsel for the petitioner submits that once report of the Deputy Superintendent of Police, after conducting a preliminary enquiry, is a detailed one and exonerates the petitioner, no further enquiry can be conducted against the petitioner by issuance of a charge-sheet to him.

Notice of motion.

Mr. Raman Kumar Sharma, Additional A.G., Haryana, keeping in view the advance service of the copy of petition, accepts notice on behalf of the State and submits that there is no difference of opinions in the reports given by the Deputy Superintendent of Police or the higher authorities in the facts and circumstances of this case. Learned State counsel further submits that even otherwise the preliminary enquiry is conducted so that the disciplinary authority can arrive at a conclusion that whether any disciplinary enquiry needs to be conducted into the allegations keeping in view the facts and circumstances of the case or not and the preliminary

enquiry so conducted in the present case or the opinion of the higher authorities, as being projected by learned counsel for the petitioner in the present case, is of no consequence as in the departmental proceedings, the enquiry officer will hold the enquiry independently and will arrive at a decision only on the basis of the evidence which will be collected during the enquiry proceedings independent of the preliminary enquiry or the opinion of the authorities recorded during the preliminary enquiry.

At this stage, learned counsel for the petitioner submits that the statement of the learned State counsel, as recorded hereinbefore, suffice the purpose of the petitioner in the present petition, hence the same may kindly be disposed of as having been not pressed any further at this stage. Learned counsel for the petitioner further submits that henceforth, in case any grievance of the petitioner arises, the liberty may kindly be given to him to approach the appropriate authorities for redressal of the said grievance.

Keeping in view the above, no further orders are required to be passed in the present petition and the same is disposed of in the above terms. Further, as the petitioner is a retired employee, it is directed that the enquiry proceedings, which have been initiated against him, are taken to the logical end by the authorities concerned at the earliest possible and preferably within a period of six months from the date of receipt of the copy of this order.

19.04.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes |
| 2. Whether reportable : | No |