

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

CWP-14876-1999 (O&M)
Date of decision: May 19, 2022

Shri Ghanshyam Dass Gabba and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of Certiorari for quashing order dated 29.01.1997 (Annexure P-1) by which services of the petitioners have been suspended, for allegedly committing acts of embezzlement in connivance and/ or gross carelessness and negligence in discharge of their duties.

2. Petition was admitted on 08.08.2001.

3. When called out for hearing, 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 22 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same. Learned State counsel also submits that petitioners must have retired in the meanwhile.

4. In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in Para-1 of Preliminary Objection of the reply, which is reproduced herein for ready reference:-

“1. That the petition is pre-mature as the disciplinary proceedings against the petitioners are still pending. The petitioners have been served chargesheets vide memo No.759 A/EA5/E1 dated 27.1.2000, 2151/Ea2/E1 dated 15.3.2000 and 801/EA5/E1 dated 28.1.2000 respectively. A copy of each letter is enclosed as Annexure R-1, R-2 and R-3. The Enquiry Officer has since been appointed to look into the charges contained in the said chargesheets.”

5. *Apropos* above, enquiry officer rendered a report against the petitioners leading to issuance of charge-sheets and further action against the petitioners, which they never challenged and thus, having acquiesced to the same, as is borne out from Para-3 of the reply on merits filed on behalf of respondents No.1 & 2, it is too belated at this stage for this Court to interfere by way of present writ proceedings.

6. I am in agreement with the stand taken by the respondents as aforesaid. 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. In view of the above, no grounds are made out to interfere.

8. Dismissed.

(ARUN MONGA)
JUDGE

May 19, 2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No