

CWP No.12398 of 2022 (O&amp;M)

Date of Decision: 02.06.2022

Kanwal Pal Singh Mundra

.....Petitioner

Versus

Central University of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. K.K. Gupta, Advocate for the petitioner.

**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing of the order dated 12.04.2022 (Annexure P-12), whereby the petitioner has been placed under suspension, order dated 20.04.2022 (Annexure P-14), whereby the petitioner has been served with the memorandum of charge sheet, order dated 26.04.2022 (Annexure P-16) and order dated 06.05.2022 (Annexure P-19), whereby all the 94 documents named in the list of documents and relied upon in the charge sheet have been refused to supply to the petitioner.

Notice of motion.

Mr. Sunil Kumar Sharma, Advocate, Senior Panel Counsel, assisting counsel of Mr. Satya Pal Jain, Additional Solicitor General of India, accepts notice on behalf of the respondents. Learned Additional Solicitor General of India has pointed out that the charge-sheet has been issued to the petitioner under the CCS (CCA) Rules, 1965. To conduct the proceedings against the petitioner, he has been placed under suspension as well. Therefore, since the statutory proceedings are being undertaken against the petitioner, therefore, this Court is not required to interfere, at this

stage. The petitioner can raise his defence/arguments during the proceedings which are to be conducted against him.

As response to this, the counsel for the petitioner has submitted that the charge-sheet issued against the petitioner is even without jurisdiction. Moreover, the petitioner has not even been provided 94 documents named in the list of documents. Therefore, he is not in a position to submit his written reply or to defend the proceedings, as such.

In view of the above arguments of the counsel for the respective parties, this Court finds substance in the argument of the counsel for the petitioner to a limited aspect of denial of documents to the petitioner despite the same being relied upon by the respondents.

In view of the above, the present petition is partly accepted and the orders dated 26.04.2022 (Annexure P-16) and 06.05.2022 (Annexure P-19) are set aside. The petitioner is held entitled to inspect all the 94 documents mentioned by the respondents in the list of documents attached to the charge-sheet. The petitioner shall be permitted to inspect the said documents or to get the copies of the same on his own expenses; even before insisting upon filing of reply on his behalf.

It is further clarified that the petitioner shall be entitled to raise all those pleas before the competent authority, which have been raised in the present petition.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**02.06.2022**  
*sandeep*

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No