

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

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CWP-16737-2022

Date of decision : 01.08.2022

Dalvinder Pal Singh

... Petitioner

Versus

Chaudhary Charan Singh Haryana Agricultural University, Hissar and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Krishan Kumar Gupta, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner, *inter alia*, has sought quashing of the memorandum dated 04.05.2022 (Annexure P-3) whereby disciplinary proceedings have been initiated against him.

Learned counsel for the petitioner submits that the petitioner has been working as Assistant Plant Pathologist in the respondent/University. A memorandum has been issued against him on 04.05.2022 (Annexure P-3) for various charges which includes being a citizen of Australia while he had mentioned his nationality as Indian in the application form. He further submits that the petitioner is not being granted adequate opportunity to defend himself during the enquiry proceedings. He also submits that the petitioner is entitled to consideration of his case for career advancement scheme and to avail earned leave while visiting his family members in Australia. The enquiry proceedings have been initiated against the petitioner without considering his reply (Annexure P-5).

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondent/University.

Heard.

The disciplinary proceedings against the petitioner are stated to have been initiated by the memorandum dated 04.05.2022 (Annexure P-3). I am of the considered opinion that the petition is premature inasmuch as the disciplinary authority has not taken a final decision in the matter. The petitioner, however, deserves to get adequate opportunity to defend himself before the Enquiry Officer.

Consequently, the petition is disposed of with a direction to the Enquiry Officer to afford the petitioner adequate opportunity to submit his defence. He would also consider the reply of the petitioner dated 29.05.2022 (Annexure P-5) before taking a final decision in the matter. The petitioner would be at liberty to file a representation with regard to his other grievances and respondent No.1 will consider the same and pass a speaking order in accordance with law within a period of one month from its receipt.

(ANUPINDER SINGH GREWAL)
JUDGE

August 01, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No