

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

CWP-12263-2018 (O&M)
Date of decision: 22.03.2022

VED PAL SINGH		...Petitioner
	V/S	
STATE OF HARYANA AND ORS		...Respondents
		CWP-20546-2018 (O&M)
RAJ KUMAR		...Petitioner
	V/S	
STATE OF HARYANA AND ORS		...Respondents
		CWP-23973-2018 (O&M)
SUNITA		...Petitioner
	V/S	
STATE OF HARYANA AND ORS		...Respondents
		CWP-22468-2018 (O&M)
BHUPINDER SINGH		...Petitioner
	V/S	
STATE OF HARYANA AND ORS		...Respondents
		CWP-23256-2018 (O&M)
MOHAR SINGH		...Petitioner
	V/S	
STATE OF HARYANA AND ORS		...Respondents
		CWP-1152-2019 (O&M)
SANJAY KUMAR TYAGI		...Petitioner
	V/S	
STATE OF HARYANA AND OTHERS		...Respondents
		CWP-10988-2020 (O&M)
SURAJ MAL		...Petitioner
	V/S	
STATE OF HARYANA AND ORS		...Respondents
		CWP-19081-2019 (O&M)
ANOOP SINGH		...Petitioner
	V/S	
STATE OF HARYANA AND OTHERS		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil Kumar Nehra, Advocate,
Mr. Vikram Singh, Advocate,
Mr. Yashveer Kharab, Advocate,
Mr. Satbir Gill, Advocate,
for the petitioner(s).

Mr. Lokesh Sinhal, Sr. Additional Advocate General, Haryana.

Mr. Gauram Dutt, Advocate,
for respondent No.5 in CWP-12263-2018.

ARUN MONGA, J. (ORAL)

Vide this common order, I intend to dispose of the aforementioned writ petitions, as common issues and facts are involved therein.

2. Petitions herein *inter alia* are for issuance of a writ in the nature of certiorari to quash the impugned recommendations/proceedings of the District Grievance Committee, Kaithal of its Meeting dated 10.08.2018 (Annexure P-1) vide which respondent No.5 has given directions to suspend the petitioner immediately.

3. While issuing notice of motion, the following order was passed by this Court:-

“Issue notice of motion.

On the asking of the Court, Ms. Shruti Jain Goyal, AAG Haryana accepts notice on behalf of the respondent Nos.1 to 3, 6 & 7. Learned counsel for the petitioner to supply requisite number of copies of the paper book to the counsel opposite during the course of day.

No coercive action will be taken against the petitioner till further orders in pursuance of the meeting held on 11.05.2018 of the District Grievances Committee, Kaithal.

Process dasti for respondent Nos.4 and 5 for 13.07.2018.”

4. Apropos above, return has been filed on behalf of respondents No. 1 to 3 i.e. State of Haryana through its Financial Commissioner, Engineer in Chief and Superintending Engineer, respectively and respondent No.6 i.e. Deputy Commissioner, Kaithal in CWP No.12263-2018, wherein following stand has been taken:-

RESPONDENTS NO. 1 TO 3

“30. That in reply to para No.30 of the writ petition, it is submitted that the recommendations given by the respondent No.4 Chairman District Grievances Committee, Kaithal regarding registration of FIR against the petitioner and his suspension from the service are mere recommendations and the

required action has to be taken by the competent authority as per service rules.”

RESPONDENT NO.6

“5. That before any action could be taken, the petitioner has filed the present petition and this Hon’ble Court has pleased to pass the order to the effect that no coercive action will be taken against the petitioner till further orders in pursuance of the meeting held on 11.05.2018 of the District Grievances Committee, Kaithal. Therefore, the present writ petition is premature as no order against the petitioner has been passed by the competent authority.

Due procedure in accordance with law would be followed by the competent authority before passing any order. Thus, the present writ petition be dismissed being pre-mature and devoid of merits.”

Harmonious reading of the aforesaid would ordinarily be suffice for this Court to not interfere in the instant writ proceedings, as it is expected of the respondents not to initiate any action against the serving officials in the respective districts merely on the basis of recommendations of the District Grievances Redressal Committee, without following proper procedure as envisaged in the applicable service laws.

5. Notwithstanding above, learned counsel for the petitioner strenuously argues that unequivocal undertaking has not been given that recommendations of the Grievance Committee shall not be construed as any kind of direction. However, the apprehension expressed in course of arguments is allayed by the stand taken by the State in a similar writ petition instituted vide CWP No.14272 of 2018. Said petition was disposed of vide order dated 01.06.2018 and speaking for this Court, my learned brother Rajiv Narain Raina, J. (as he then was) noted in the following terms:-

“Today, Ms. Goyal on instructions from Mr. Rajiv Rattan, Director Secondary Education, Haryana has made a statement that the competent authority will not be swayed by any

recommendation of the District Grievance Committee, Karnal headed by respondent No.5. She has further assured the Court that the Director would take an independent & uninfluenced decision.

Nevertheless, in case the explanation of the petitioners are called for, they will submit their replies. Those replies would be considered objectively and a rational decision will be taken on the outcome of the explanation letter.

Accordingly, without adverting to any further order or expressing any opinion on the merits of the case, the present petition is disposed of on the assurance given by Mr. Rajiv Rattan, Director Secondary Education, Haryana through learned Law Officer.”

6. In view of the aforesaid, I see no reason as to why respondents would not follow the same procedure as noted in the aforesaid order while disposing of similar writ petition. Instant bunch of writ petitions is also accordingly disposed of in terms of the order passed in CWP No.14272 of 2018.
7. Photocopy of this order be placed on the connected case files.
8. Pending application, if any, shall also stand disposed of.

22.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No