

120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17611-2022

Date of Decision: 10.08.2022

KANWAR PAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.K. Rana, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* for quashing the charge-sheet dated 05.12.2011 (Annexure P-1) and promotion order dated 05.07.2022 (Annexure P-18).

2. Plead case is that petitioner joined the Social Justice and Empowerment Department, Government of Haryana as Investigator on 21.09.1992. However, vide order dated 05.12.2011, he was issued a charge-sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeals) Rules 1987 without any record/document and witness. The petitioner filed a provisional reply on 17.01.2012 for providing the list of witness and in response thereto, it was informed to him that no document or witness is available with the department except whatever was attached with the charge sheet. Thereafter, despite three inquiries on various occasions, no allegations were proved against the petitioner. Even then, the charge sheet was not filed. He also suffered the adverse consequences of his promotion when vide order dated 05.07.2022, his nine counterparts were promoted to the post of DSWO, out of which, seven are juniors to him and he was ignored. He is also aggrieved against the non-grant of benefit of 2nd ACP and 3rd ACP as per Rules, 2008 and, also the amount of Rs.10,71,840/- deducted from his salary was not refunded despite of writing various letters/representation. Hence, the present petition.

3. On advance service of copy of the petition, learned State counsel appears and opposes issuance of notice of motion.

4. Heard.

5. The writ petition is disposed of with a direction that administrative decision be taken either way on a long pending charge-sheet dated 05.12.2011 (Annexure P-1), owing to which the petitioner has not been accorded the benefit of 2nd and 3rd ACP. In case, the inquiry report has been or is accepted and charge-sheet is then dropped, it is expected of the respondents to accord the consequential benefits within a period of 60 days thereafter, which have been withheld hitherto including according of promotion, since petitioner pleads that his juniors have been promoted and owing to the charge sheet, his promotion has been kept pending.

6. Qua the other grievance of the petitioner of not refunding him the amount so recovered from him pursuant to the same delinquency which led to the issuance of charge-sheet, since he has already filed a representation, a competent authority to pass a speaking order on the same.

7. Disposed of accordingly.

August 10, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No