

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

CWP-18521-2022 (O&M)

Date of decision: August 23, 2022

Naresh Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.S. Hira, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned charge-sheet dated 19.09.2019 (Annexure P-3) based on anonymous complaint whereby the inquiry has been initiated against the petitioner for major punishment under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, at the stage when petitioner's promotion for the post of District Attorney is due.

2. Pledged case is that petitioner joined as an Assistant District Attorney on 06.06.1997 in the office of Principal Chief Conservator of Forests, Haryana. In May 2014, petitioner was promoted as Deputy District Attorney in the office of District Attorney, Palwal. Thereafter, he was posted in the office of District Attorney, Panipat. On 26.05.2017, petitioner was transferred from the office of District Attorney, Panipat to the office of District Attorney, Rohtak. On 14.05.2019, petitioner received suspension order dated 02.05.2019 (Annexure P-1) with immediate effect without prior

notice or explanation. Respondent No.2 further decided to charge-sheet the petitioner for major penalty i.e. Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016. Petitioner preferred CWP-13576-2019, which was disposed of vide order dated 16.12.2019 (Annexure P-2) with a direction to respondent No.1 to consider and decide the claim of the petitioner for revocation of suspension in accordance with law by taking into account the Rules as also the decision relied upon by the petitioner in case the same is applicable, within four weeks. During pendency of the said writ proceedings, respondent No.2 issued charge-sheet dated 19.09.2019 in view of complaint of respondent No.5-P.K. Sharma. Petitioner submitted reply on 10.10.2019. Petitioner tried to trace the antecedent of the complaint, then he found that his name is a Phool Kumar s/o Ram Singh. On 15.06.2021 (Annexure P-6), petitioner submitted representation for dropping the charge-sheet dated 19.09.2019 keeping in view the instructions dated 14.12.2020 (Annexure P-7) that such complaint can be treated as anonymous/pseudonymous. Respondent No.2 vide order dated 03.06.2022 appointed respondent No.4 as inquiry officer to hold regular inquiry under Rule 7 *ibid* after a lapse of three years from the date of false and motivated said complaint, when petitioner's next promotion is due to the post of District Attorney. On 30.06.2022, respondent No.4 started inquiry proceeding but none appeared on behalf of the complainant. Thereafter on 22.07.2022 again complainant did not appear before the inquiry officer.

3. Given the inordinate delay in commencing/ concluding the departmental proceedings, it is but natural that the prospects of the petitioner

for being considered on the promotional post of District Attorney are severely jeopardized.

4. In the premise, the Department is advised that even if they had to hold the enquiry on day to day basis, it shall do so since the delay in departmental enquiry is entirely attributed to the lackadaisical approach adopted by the Department and notwithstanding, petitioner had remained suspended for as long as 7 months and yet instead concluding the departmental proceedings, they simply reinstated him without proceeding any further.

5. Disposed of.

(ARUN MONGA)
JUDGE

August 23, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No