

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

CWP-26712-2018(O&M)

Date of decision: October 27, 2022

Satbir Singh and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

Mr. Inder Pal Goyat, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ in the nature of Mandamus directing respondents No.1 and 2 to appoint an officer from the Head Office to conduct regular inquiry against respondent No.4 namely Sh. Ram Chandra on charge-sheet dated 26.09.2017 (Annexure P-5) issued to him as respondent No.5 has conducted the inquiry in total haste at the behest of respondent No.4 in that all the prosecution witnesses totalling 48 in number were called on one date i.e., 07.09.2018 and inquiry had been concluded on the same very date.

2. Pledged case is that petitioners alongwith other employees of the Haryana Roadways Depot filed a complaint against respondent No.4, posted as Sub Inspector, Station Supervisor, Sub Depot, Tohana on account of his alleged involvement in certain corrupt practices. Respondent No.4 was appointed as Work Inspector and Station Supervisor on 01.11.2014. On two

occasions, the employees of the workshop protested against respondent No.4 due to which he was removed, but in collusion with higher officials he was able to get his post back. In one incident, allegedly certain beautiful green trees at Bus Stand premises and workshop were cut down and sold by respondent No.4 without permission of higher authorities. Petitioners filed a complaint against him. Petitioner No.1 also moved an application to the SHO, Police Station Tohana on account of respondent No.4 having threatened him for filing aforesaid complaint. Preliminary inquiry was conducted and allegations were found true. On the basis thereof, respondent No.4 was placed under suspension vide order dated 27.07.2017 (Annexure P-3) and his headquarter was fixed in the office of General Manager, Haryana Roadways, Nuh (Mewat). An explanation was sought by respondent No.2 from General Manager, Haryana Roadways, Fatehabad vide letter dated 01.08.2017 (Annexure P-4) as to why respondent No.4 was not transferred as directed vide order dated 27.07.2017 passed by respondent No.2.

Charge-sheet dated 26.09.2017 (Annexure P-5) was issued proposing to initiate a departmental inquiry against respondent No.4. Despite the orders of the Director General, State Transport, Haryana (respondent No.2) for transferring respondent No.4, the General Manager, Haryana Roadways, Fatehabad allowed respondent No.4 to join duty w.e.f. 03.04.2018 (F.N.) and was posted as Duty Inspector at Sub Depot, Tohana vide order dated 03.04.2018 (Annexure P-7). The inquiry against respondent No.4 was conducted in a sham manner as Steno, namely, Chand Ram did not record the complete statement of the petitioners. Thereafter, vide order dated 01.05.2018 (Annexure P-10), the head quarter of respondent No.4 was fixed in the office

of General Manager, Haryana Roadways, Hisar for a period of 4 months till the inquiry was pending. Petitioners submitted representation dated 07.05.2018 (Annexure P-10A) stating that respondent No.4 was threatening them and keeping one police official as gunman with him and also keeping some antisocial elements with him. In spite of aforesaid orders, respondent No.4 was not relieved by the General Manager, Haryana Roadways, Fatehabad as respondent No.4 is close to the local MLA Shri Subhash Barala who is also the President of the Ruling Party. Again vide order dated 16.05.2018 (Annexure P-11), headquarter of respondent No.4 was fixed in traffic branch in the office of Director General, State Transport, Haryana, but General Manager, Haryana Roadways, Fatehabad did not relieve him as he is close to a local MLA.

Vide an office order dated 16.05.2018 (Annexure P-15), one N.K. Garg, Deputy Transport Controller, Headquarter, Chandigarh was appointed as Inquiry Officer to conduct a regular inquiry against respondent No.4. Thereafter, suddenly vide letter dated 05.09.2018 (Annexure P-16) issued by respondent No.5-Satbir Singh Jhangu, SDM, Fatehabad, it was submitted that inquiry against respondent No.4 would be conducted on 07.09.2018 in the office of Station Supervisor at Bus Stand, Tohana by SDM, Fatehabad. All 48 witnesses were called on the same date. Petitioners submitted representation dated 06.09.2018 (Annexure P-17) mentioning that respondent No.4 is close to local MLA. Petitioners also submitted letter dated 07.09.2018 (Annexure P-18), but in spite of the same, Inquiry Officer proceeded with the inquiry and without there being any Presenting Officer on behalf of the Department, completed the inquiry on the same date and sent report to the Head Office.

The statements of the other petitioners were not recorded and inquiry was conducted in a sham and haste manner in view of the fact that CWP-13948-2018 has been filed by some of the petitioners. Hence, the instant petition.

3. On the other hand, learned State counsel appears and opposes the petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. The petitioners do not claim that any of their personal rights has been violated. That apart, *ex facie* disputed questions of facts are involved, as is borne out from the pleadings preferred by both the sides. The issue involved cannot be thrashed out merely on the basis of affidavits, under extraordinary writ jurisdiction.

6. In the premise, no grounds for interference are made out.

7. Dismissed with liberty to the petitioners to seek appropriate alternative remedy, as may be advised and available in law.

(ARUN MONGA)
JUDGE

October 27, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No