

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

CWP-20084-2022 (O&M)

Date of Decision:06.09.2022

Rajiv Jain		Petitioner
	Versus	
State of Haryana and others	...	Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. A.P. Singh, Advocate
for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order/letter dated 22/25.07.2022 (Annexure P-7) whereby the Chief Secretary, Government of Haryana has recommended for filing a criminal case against the petitioner alongwith others.

2. Petitioner was working as Executive Engineer in HAFED and in enquiry he was found guilty of misappropriation of money alongwith others while performing duty of supervision in the construction of godown.

3. Learned counsel for the petitioner submits that no case is made out against petitioner and other officials under the Prevention of Corruption Act. The findings and report of the Enquiry Officer were placed before the Chief Secretary, Government of Haryana, Vigilance Bureau, but the same were ignored for the reasons best known to him. He further submits that learned Chief Secretary, Government of Haryana committed error and material irregularity in

passing the impugned order by according sanction for registration of criminal case against petitioner and other alleged guilty officials of HAFED.

4. I have gone through the record. A perusal thereof would reflect that this petition has been filed substantially on the basis of disputed facts which are required to be verified by the competent court in the trial of criminal case registered against the petitioner.

5. Be that as it may, it is not possible for this Court to go into the facts involved on the basis of affidavits alone in exercise of extraordinary writ jurisdiction. It is rather expected from the petitioner to cooperate with the pending proceedings, of course with liberty to take his entire defense at the appropriate stage before the competent court/authority.

6. Writ petition is disposed of with liberty, as aforesaid.

7. Pending civil miscellaneous applications, if any, also stand disposed of.

(ARUN MONGA)
JUDGE

September 06, 2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No