

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

CWP-22446-2022 (O&M)

Date of Decision: 28.09.2022

Vikas Kumar Pachauri

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. 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 an order dated 11.03.2022 (Annexure P-7) terminating services of the petitioner, passed by respondent No.2. Petitioner also seeks Mandamus directing the respondents to release his salary for the period October-2021 to February-2022.

2. Pledged case is that the petitioner joined service as District Project Assistant in the year 2019. The District Program Office Women and Child Development department, Nuh vide a letter dated 11.11.2020 (Annexure P-3) recommended the name of the petitioner for the post of District Coordinator. However, one person namely Narender Yadav, without mentioning his complete address, made a complaint to the respondent No.2 against the petitioner regarding illegal gratification in lieu of work done by him. The Chief Secretary to Govt. of Haryana vide letter dated 14.12.2020 (Annexure P-5) sought further action on anonymous complaint. Thereafter, the Enquiry Committee was constituted and based on an enquiry rendered findings vide order dated 22.02.2022 (Annexure P-6). Resultantly, the petitioner was terminated from service vide order dated 11.03.2022 (Annexure P-7). Petitioner then approached

the competent authority against his termination order and to pay his pending salary but to no avail. Hence, the present petition.

3. Ex facie disputed facts are involved herein. The nature of allegations require evidence to be adduced which cannot be decided by way of affidavit and, therefore, there is no scope of interference by way of exercising extraordinary writ jurisdiction in the present case in the peculiar facts. However, the petitioner is at liberty to avail alternate remedy as may be available in law. With regard to the payment of salary, subject to the verification that for the corresponding period the petitioner had worked in the department, salary be also remitted within a period of two months, if not already paid.

4. Disposed of accordingly.

(ARUN MONGA)
JUDGE

September 28, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No