

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

CWP-344-2023

Date of Decision: 10.01.2023

Gurnam Chand

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mohd. Yousaf, Advocate, for
Mr. Kuldeep Singh Siwach, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

The petitioner seeks issuance of a writ in the nature of Certiorari setting aside the order dated 22.12.2022 (Annexure P.10), vide which respondent No.2 has asked respondent No.3 to allow respondent No.5 to rejoin the duties, if workload was available.

Learned counsel for the petitioner contends that departmental inquiry against respondent No.5 was assigned to the petitioner and when the petitioner did not accede to the illegal demands of respondent No.5 to give report in his favour, the petitioner had been assaulted by respondent No.5 regarding which FIR No. 232 dated 22.04.2022 under Sections 186, 294, 332, 34, 341, 353, 506 IPC was registered at Police Station City Fatehabad, District Fatehabad. It is further submitted that pursuant to the registration of said FIR, respondent No.5 was arrested and he was relieved of his duties in view of DHE Policy dated 04.03.2020. It is further submitted that now vide order dated 22.12.2022, respondent No.2 has asked respondent No.3 to allow respondent No.5 to rejoin the duties, if the workload was available.

Learned counsel for the petitioner would vehemently argue that once in view of the registration of a criminal case against respondent No.5, he was relieved of his duties, he could not have been allowed to rejoin the same; that till the pendency of the criminal case against respondent No.5, he cannot be absolved of the misconduct on his part and that allowing him to rejoin the duties would also amount to the danger to the life and liberty of the petitioner, who had earlier been attacked by respondent No.5.

I have heard the learned counsel for the petitioner.

It is the case of the petitioner himself that regarding the alleged assault upon him by respondent No.5, a criminal case was registered against the latter and the said proceedings are still pending. Vide the communication under challenge, respondent No.2 has directed respondent No.3 to allow respondent No.5 to rejoin the duties, if the workload was available. It could not be shown by the petitioner as to how his rights have been violated or issuance of the impugned communication has, in any manner, created any hindrance in the services of the petitioner. As a matter of fact, the petitioner has no cause of action to file the present writ petition.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

10.01.2023
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No