

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

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CWP-559-2023

Date of decision: 12.01.2023

NARESH KUMAR

.....Petitioner

VERSUS

LOKAYUKTA HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Vijay Deep Rathee, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned report dated 25.08.2022 (Annexure P-9) passed by the Lokayukta, Haryana.

Counsel for the petitioner contended that Lokayukta, Haryana had directed the Registrar of the Office of the Lokayukta, Haryana to conduct a preliminary enquiry into the complaint submitted by the petitioner and that the Registrar never at any point of time conducted an independent enquiry and that the petitioner was never associated during the said enquiry proceedings. The said aspect *ipso facto* is not substantiated with the documents appended with the present petition. As a matter of fact, the preliminary enquiry report dated 16.11.2021 submitted by the Registrar of the Lokayukta has been extracted in the order passed by the Lokayukta and it is apparent from the aforesaid enquiry report that the petitioner was

duly associated by the Registrar in the enquiry proceedings. The statements/objections of the petitioner-complainant were also recorded by the Registrar. The enquiry report submitted by the Superintendent of Police, Panipat pursuant to the order dated 18.08.2017 passed by the Additional Chief Secretary to the Govt. of Haryana, Home Department (Mark 'A') was also taken into consideration by the Registrar and upon consideration of the entire evidence, the objections, the enquiry report conducted by the Superintendent of Police, Panipat and also the statements of the witnesses, the Registrar recorded that the allegations of the petitioner-complainant that the police officials gave beating to brother of the complainant and abused him in the name of his caste and also snatched Rs.5000/- from him was not substantiated from any material on record. A recommendation was thus made that there was no prima facie material or reasonable ground for directing any further enquiry or investigation in the matter. A copy of the aforesaid preliminary enquiry was also handed over to the complainant so as to allow him to submit his objections, if any. However, no such objections were filed despite extending and affording numerous opportunities to the complainant.

The submissions of the petitioner that he was not extended any opportunity to controvert the enquiry is thus misplaced. The Enquiry Report was duly handed over to him and he was granted multiple opportunities to file his objections and the complainant chose not to prefer any such objections. Besides, there is no evidence

placed on record even today on the basis whereof, it may be prima facie held that the recommendation made by the Registrar Lokayukta was based upon misleading of evidence available on record or was in disregard of the undisputed evidence. In the absence of any material having been brought before this Court, the High Court while exercising its power of judicial review cannot substitute the opinion given by the Enquiry Officer as accepted by the Lokayukta Haryana with any other contrary opinion. No reason has been given by the petitioner as to why the petitioner did not prefer to file any objections or place on record any other material, in case he had any, despite repeated opportunities having been granted by the Lokayukta, Haryana.

Faced with the above, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the instant petition so as to pursue his remedies as per law.

Disposed of as withdrawn with liberties as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 12, 2023

Vishal sharma

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