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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-910-2023 (O&M)

Date of Decision: 01.02.2023

SANJAY KUMAR SINGH AND ANOTHER

.. Petitioners

Vs.

UNION OF INDIA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sajjan Singh, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

This writ petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing of impugned anonymous complaint dated 26.11.2021 (Annexure P-8); letter dated 30.11.2021 constituting fact finding committee (Annexure P-9); show cause notices issued to petitioners No.1 and 2 (Annexures P-24 and P-26); ex-parte fact finding committee report (Annexure P-16); notification dated 23.06.2022 (Annexure P-28); and memorandum/charge sheet dated 19.12.2022 (Annexure P-18).

Learned counsel has argued that the petitioners are being harassed on account of anonymous complaint dated 26.11.2021 (Annexure P-8) and have been sent to face the fact finding committee in violation of Central Vigilance Commission circular dated 24.09.2020, and the office memorandum dated 18.10.2013 by the department of Personnel and Training, Govt. of India laying down strict guidelines regarding handling of complaints. Learned counsel has drawn the attention of the Court to the complaint dated 26.11.2021 (Annexure P-8) and submitted that an

anonymous complaint contains allegations regarding sub-letting of official quarter by petitioner No.1 to petitioner No.2 and the said complaint is without any substance, therefore, the same ought not to have been looked into in terms of the instructions dated 18.10.2013. He submits that there is no evidence that the petitioner No.1 had sub-let the house to the petitioner No.2, but while acting upon the complaint, fact finding committee was constituted, whereupon report (Annexure P-16) concluded that petitioner No.2 was residing in the quarter of petitioner No.1 for the last three years.

Learned counsel has further argued that pursuant to the report (Annexure P-16), show cause notice dated 22.02.2022 (Annexure P-24) was issued to the petitioners seeking their response as to why the departmental enquiry be not initiated against them and in response to it, the petitioners submitted their response, but without examining the same through notification dated 23.06.2022, Regular Enquiry Committee has been constituted to enquire into the matter of sub-letting official accommodation. Learned counsel submits that the impugned action is bad in law, therefore, the indulgence of this Court is called for under Article 226 Constitution of India for setting aside the entire disciplinary proceedings.

Upon hearing the learned counsel and considering the material on record, this Court finds that as per the report (Annexure P-16), the Fact Finding Committee arrived at the following conclusion:

“4. Outcome of the Fact-Finding Committee:

On the basis of the facts collected and findings of the Fact-finding committee, it has been concluded that

. Sh. Pardeep Dhull was residing in Sh. Sanjay Kumar Singh's Type - II quarter for last three years.

. *Sh. Sanjay Kumar Singh was subletting his quarter no. A-204 to Sh. Pardeep Dhull illegally and without taking any prior approval of the University.*

. *Sh. Pardeep Dhull has been paid around Rs. 171682/- as HRA.*

. *He submitted fake local residential and station addresses to the University and received a Residential Certificate from the University by hiding the facts.”*

A perusal of the above shows that the allegations contained in the anonymous complaint were verified through a Fact Finding Committee, therefore, the argument that the complaint could not have been entertained cannot be raised by the petitioners at this stage when the Regular Inquiry Committee stands constituted. Apart from it, the incomplete response dated 16.03.2022 (Annexure P-27) by petitioner submitted pursuant to the show cause notice dated 09.03.2022 does not raise any objection relating to the violation of guidelines dated 18.10.2013 and 18.06.2014.

The entire case of the petitioners is founded upon the disputed facts, therefore, at this stage, this Court is not inclined to exercise the extraordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

01.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No