

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

CWP-3167-2023 (O&M)

Date of decision : 10.03.2023

Praveen Kumar Verma

...Petitioner

Vs.

Food Corporation of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.D.Sachdeva, Advocate for the petitioner.

Mr. K.K.Gupta, Advocate for the respondents.

MANOJ BAJAJ, J.

CM-3971-2023

Application is allowed as prayed for.

Annexures P-11 to P-14 are taken on record.

CM-4109-2023

Application is allowed as prayed for.

Annexures R-1 to R-4 are taken on record.

Main case

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for quashing of the departmental charge sheet dated 19.12.2018 (Annexure P-2) as well as the notice of appearance dated 14.11.2022 (Annexure P-5) and other interlocutory orders dated 19.12.2022, 19.12.2022, 26.12.2022, 10.01.2023 and 25.01.2023 (Annexures P-6 to P-10) passed by the inquiry officer during the pendency of FIR No.04 dated 26.05.2017 registered under Section 7/13 (2)

Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Ferozepur Range, District Ferozepur being wrong, illegal and arbitrary.

Learned counsel has argued that the petitioner was falsely implicated in FIR No.04 dated 26.05.2017 (Annexure P-1), who was not even present at the spot and the trial in the said case is still pending, therefore, the action of the respondent in initiating departmental proceedings against him through the impugned charge sheet dated 19.12.2018 is bad in law. He submits that respondent No.3 being an inquiry officer is hastily proceeding with the inquiry in a biased and hurried manner and petitioner is being compelled to disclose his defence, which would adversely effect the criminal trial proceedings pending against him. He further submits that the impugned orders passed by the inquiry officer would show his bias as the defence assistant representing the petitioner during the proceeding was not allowed to represent him, who holds the legal background, therefore, the impugned orders are not sustainable and warrant interference by this Court by exercise of writ jurisdiction under Article 226 Constitution of India.

During the course of hearing, it is fairly stated by learned counsel that previously, he had brought CWP-10809-2019, wherein he had prayed for keeping the departmental inquiry proceedings in abeyance till the pendency of the criminal trial, and the said writ petition was dismissed vide order dated 04.08.2022 and against said decision, his letters patent appeal bearing No.708-2022 is pending adjudication, which is coming up for hearing on 24.05.2023.

Upon hearing the learned counsel and considering his submission, this Court finds that the petitioner is re-agitating the same issues, which were raised by him in his previous writ petition, and decided against him vide

decision dated 04.08.2022. Concededly, the petitioner already stood charge-sheeted on 19.12.2018, when he filed writ petition on 25.04.2019.

During the hearing, learned counsel has shown the copy of the CWP-10809-2019 and a perusal of the same shows that the charge sheet is appended as Annexure P-2, but the petitioner did not choose to challenge the same, much less the inquiry proceedings on merits on any of the grounds raised in this petition, though all those grounds were available to him at that stage as well. Further, the other orders passed by the inquiry officer are interlocutory in nature and do not decide the rights of the petitioner. Thus, this Court has no hesitation in holding that the writ petition is misconceived.

Resultantly, no case is made out for exercise of writ jurisdiction under Article 226 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

10.03.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No