

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

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**CWP No. 3101 of 2023
Date of Decision : 22.8.2023**

*Dr. Seetu Singh**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Babbar Bhan, Advocate, for the petitioner

Mr. Harish Nain, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* quashing the order dated 25.11.2021 (Annexure P-1), whereby respondent no.1 has issued a warning to respondent no.4 pursuant to disciplinary proceedings under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016. Further, a writ of *mandamus* has been sought directing the respondents to inflict major punishment upon respondent no.4.

2. Learned State counsel, appearing on advance notice, has submitted that on a complaint made by the petitioner, respondent no.4 was charge-sheeted. Pursuant to a regular disciplinary enquiry, she was issued a warning vide impugned order, dated 25.11.2021, 'to be more careful in future while dealing with the matters of administrative exigencies'. He contends that the petitioner has no *locus standi* to file the instant petition

seeking enhancement of the punishment awarded.

3. As apparent on record, the warning has been issued pursuant to disciplinary enquiry held on the charges against respondent no.4. It has been found that due to lack of written communication between the college and the Directorate and improper handling of miscellaneous instructions, the said misconduct occurred. Since respondent no.4 was working as a teacher for the last seventeen years, and had no administrative experience to deal with such matters, she faltered. However, no financial loss was caused on account of the alleged misconduct. The warning has been issued keeping in view relevant facts and circumstances of the case. The Punishing authority is within its powers to do so. No statutory rule of procedure or Principle of Natural Justice has been violated. Therefore, there is nothing illegal or irregular about the punishment order.

4. Besides, the petitioner has no *locus standi* to challenge the order of punishment. Merely because on her complaint disciplinary proceedings were initiated, it does not give her a right to challenge the order passed pursuant thereto. It is for the disciplinary authority to ascertain whether any misconduct is made out on the complaint, and impose the punishment, if required, looking at the gravity of misconduct and all other relevant facts. It is essentially for the employer to oversee an employee's conduct. A complainant cannot be allowed to question the regulation of conduct or imposition of punishment by a public employer. Disciplinary proceedings against employees in public employment are not akin to criminal prosecution and, therefore, the complainant's interest or right in the outcome of disciplinary proceedings cannot be granted.

5. In view thereof, there is no ground to entertain the petition.

6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

22.8.2023
Ashwani

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