

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CWP No. 3119 of 2023
Date of Decision: 15.02.2023

Jiwanjot Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Tewari, Advocate and
Ms. Sanya Kaushal, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

1 The petitioner prays for issuance of a writ in the nature of Certiorari to quash the Communication dated 30.09.2022 written by the Deputy Secretary (Personnel) to Dr. Arvinder Singh (IAS) Retired, Inquiry Officer. The petitioner claims that the disciplinary authority cannot order a *de novo* inquiry though it is permissible to direct further inquiry once the Inquiry Officer in the disciplinary proceedings submits a report.

2 Heard the learned counsel representing the petitioner at length and with his able assistance, perused the paper book.

3 Learned counsel representing the petitioner admits that in the Communication dated 30.09.2022, the competent authority has not ordered a *de novo* or fresh inquiry. Moreover, on reading of the aforesaid communication, it is evident that multiple errors have been pointed out by the competent authority while directing the same Inquiry Officer to examine the matter and submit a self explanatory report based on the detailed facts.

3. The operative part of the communication dated 30.09.2022 reads as under:

“Vide letter under reference, in respect of the above subject, upon considering the inquiry report received from you, it has been found that this report is incomplete on the basis of the facts and technical basis. You have made the basis of your report of the non-appearance of Sh.Sanjay Popli, IAS

in the inquiry, which is only a technical part. Besides this, in the inquiry report sent by you, you have not considered the observations of the Commissioner, Patiala Division, Patiala, in detail. With regard to the video recording of the counting process and the declaration of result, specific comments have not been mentioned. Besides this, the Deputy Commissioner, Sangrur has got the votes recounted (copy enclosed), according to which new actual facts have come to the notice. Thus, it has been decided by the Government to refer the inquiry report again to you for conducting the inquiry on the impartial facts of the case.

In view of the above observations, while returning the file of inquiry report alongwith documents (Pages 1-251) received vide letter under reference, it is written that on the basis of the truth of the merits/facts, this matter be examined and self-explanatory inquiry report based on the detailed facts be sent again to the Government alongwith your recommendations.”

4. It is evident that the disciplinary authority did not order a *de novo* inquiry or a fresh inquiry. In these circumstances, the writ petition of petitioner is misconceived. Hence, the present writ petition is dismissed.

15.02.2023
Rajeev (rvs)

(ANIL KSHETARPAL)
JUDGE

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