

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

CWP-6178-2023

Date of decision : 27.03.2023

DARSHAN SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amit Jhanji, Sr. Advocate with
 Ms. Zaheer Kaur, Advocate and
 Mr. Amandeep S. Samra, Advocate for the petitioners.

 Mr. Sehajbir S. Aulakh, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition the petitioners have impugned chargesheet dated 16th of February, 2023 (Annexure P-8) and the order dated 16th of February, 2023 (Annexure P-7) whereby the inquiry has been ordered to be initiated against the petitioners.

2. Ld. Senior Counsel representing the petitioners raises twofold submission. He submits that the charges levelled against the petitioners vide Annexure P-8 are identical to the criminal case and thus, the petitioners cannot be prosecuted. The departmental proceedings have to await the decision in the criminal trial. He further submits that joint reading of Annexure P-7 and Annexure P-8 would reveal that at the time of submission of chargesheet on the petitioners they were not given any opportunity to respond thereto and the inquiry has been ordered against them.

Mr. Aulakh though submits that subsequent to the chargesheet dated 16th of February, 2023 the petitioners have been issued two notices but he is not in position to rebut the aforesaid submission made by Senior Counsel that the petitioners ought to have been given opportunity to respond to the chargesheet before deciding as to whether the inquiry should be initiated against the petitioners or not.

In view of the aforesaid fact, the present writ petition is disposed off with the direction to the respondents to grant two weeks' time to the petitioners to respond to the chargesheet and to take decision w.r.t. initiation of the inquiry proceedings thereafter.

Needless to say all the pleas raised in the present writ petition would be available to the petitioners to be canvassed before the Punishing Authority. The Punishing Authority shall consider the response of the petitioners and decide w.r.t. the future course strictly in accordance with law.

Ordered accordingly.

March 27, 2023
Dpr

(PANKAJ JAIN)
JUDGE

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