

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

111+289

CM-11199-CWP-2023 in/and
CWP-9120-2023 (O&M)
Decided on : 20.11.2023

VIRENDER KUMAR

...PETITIONER

Versus

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ramesh Kumar Jha, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana
for respondents No. 1,2, 4 & 5.

Mr. Arvind Seth, Advocate for respondent No. 3.

Mr. Naveen Kumar, Advocate for
Mr. Vivek Khatri, Advocate for respondent No. 6.

HARSIMRAN SINGH SETHI , J. (Oral)

CM-11199-CWP-2023

Payer in the present application is for placing on record the copy
of written statement filed on behalf of respondent No. 6.

Allowed as prayed for.

CWP-9120-2023

1. The present petition has been filed by the petitioner with a prayer that the enquiry report dated 14.03.2022, copy of which has been appended as Annexure P-3 be set aside as the petitioner has wrongly been held guilty without going through the actual facts.
2. Learned State counsel submits that only an enquiry has been held and the petitioner is free to raise all the objections qua the enquiry report before the authorities concerned for their consideration and in case, any order causing prejudice to the petitioner is passed on the basis of the said enquiry

report, then only the petitioner will have a right to assail the same.

3. Learned counsel for the petitioner submits that the petitioner will file an appropriate reply to the enquiry report for the consideration of the competent authority so as to arrive at a conclusion whether any order causing prejudice to the petitioner is to be passed or not.

4. Learned counsel for the petitioner submits that further, liberty is to be given to the petitioner in case any order causing prejudice to the petitioner is passed, the petitioner can avail an appropriate remedy for the redressal of his grievance.

5. Keeping in view the above, the respondents are directed to allow the petitioner to file an appropriate reply to the said enquiry report raising all the grievances which shall be taken into consideration so as to form an opinion as to whether, any order causing prejudice to the petitioner is required to be passed or not in the facts and circumstances of the present case.

6. It is made clear that in case, any order causing prejudice to the petitioner is passed, the petitioner will be at liberty to avail appropriate remedy before the appropriate forum.

7. This Court is not expressing any opinion on the merits of the present case, at this stage.

(HARSIMRAN SINGH SETHI)
JUDGE

20.11.2023

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