

CWP-15417-2012

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

(214)

CWP-15417-2012

Date of decision:- 09.03.2023

Jai Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Present petition has been filed *inter-alia* seeking issuance of a writ in the nature of certiorari quashing impugned notice dated 25.06.2012, Annexure P-7.

Counsel for the petitioner has argued that although the petitioner was served with a charge-sheet, Annexure P-1, under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 (for short “the 1987 Rules”), but despite the fact that the disciplinary proceedings were dropped vide order dated 01.02.2010, Annexure P-8, the respondent authorities had issued the impugned show cause notice to the petitioner calling him for personal hearing. It is his argument that the petitioner, who has retired on 30.11.2014, is being vexed twice over the same cause. Submission made by counsel for the petitioner has been countered by the State counsel by making a reference to the stand taken in the written statement.

I have heard counsel for the parties and examined the material placed on the record with their able assistance.

It is evident from the perusal of the written statement filed by the respondents that the petitioner, who was posted as a Forest Guard, was served with a charge-sheet dated 24.05.2005, Annexure P-1, under the 1987 Rules. Petitioner submitted reply, Annexure P-2, but dissatisfied with the same, an inquiry officer was appointed, who submitted his report dated 06.11.2006, Annexure P-5, holding the petitioner responsible for causing loss to the government. A show cause notice dated 07.12.2006, Annexure P-3, was served upon the petitioner alongwith a copy of inquiry report, but he did not submit any reply. Vide order dated 15.04.2010, Annexure P-6, recovery of Rs.1,92,520/- was ordered to be effected from the petitioner and his confidential reports for the year 2003-04 were down-graded from Good to Average. Petitioner approached this Court by filing a writ petition challenging the recovery order, however, during the pendency of the petition by order dated 01.02.2010, Annexure P-8, the recovery order was withdrawn. A specific stand has been taken by the respondents in the return that charge-sheet, Annexure P-1, was never dropped and only the recovery orders were withdrawn so that a personal hearing could be given to the petitioner and fresh orders could be passed. Pursuant thereto, a number of notices, including impugned notice, Annexure P-7, have been issued to the petitioner calling him for a personal hearing, but he did not appear. It is apparent from the facts narrated above that the impugned notice is in

continuation of the disciplinary proceedings initiated against the petitioner and the argument of the counsel that he is being put to the peril of double jeopardy, does not hold water. Therefore, no interference is called for in the order passed by the respondent authorities.

Keeping in view the fact that the petitioner has retired during the pendency of the present proceedings, writ petition is disposed of with a direction to the respondents to conclude the enquiry proceedings, pending against the petitioner, within a period of six months from the date of communication of a copy of this order.

Writ petition is disposed of with the above direction.

09.03.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No