

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

COC-2058-2020 (O&M)
Date of decision: 17.03.2023

Jaswinder Singh

....Petitioner

Versus

Nazuk Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil Chadha, Sr. Advocate
with Ms. Taanvi Dhull, Advocate
for the petitioner.

Mr. K.K. Gupta, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 13.05.2020 vide which while allowing the writ petition, the following directions were issued:-

“On the above analysis, this Court finds that the dismissal order dated 09.03.2016 as well as the inquiry that preceded it and culminated in the Inquiry Report, ostensibly dated 30.09.2015, are incurably tainted by illegality and arbitrariness apart from being violative of the principles of natural justice. In the light of this finding, the incidental issues, as to whether the petitioner ought to have been afforded a personal hearing before passing of the final order and as to whether the punishment imposed upon him was harsh and disproportionate to the charges framed and held proved against him, are rendered purely academic and do not warrant further discussion.

The writ petition is accordingly allowed to the extent of setting aside the impugned order of dismissal dated 09.03.2016 as well as the Inquiry Report that formed the basis thereof. The Bank shall resume the disciplinary proceedings against the petitioner from scratch after furnishing him relevant documents or permitting perusal

and photocopying thereof, in terms of the observations made supra, and after allowing him adequate time to submit his detailed reply to the charges leveled against him. The said disciplinary proceedings shall be concluded expeditiously and preferably, within six months from the date of receipt of a certified copy of this order. As the petitioner remained under deemed suspension all through the pendency of this case owing to the interim order dated 06.04.2016, the Bank shall continue him in the same status with concomitant benefits pending completion of the disciplinary proceedings.

There shall be no order as to costs.”

It is admitted position that the petitioner is still under suspension and he is being paid the subsistence allowance though he has challenged his second suspension by filing a writ petition. The grievance of the petitioner is that all the documents, which is claimed by the petitioner are not supplied by the respondent/Bank.

The affidavit of the Administrator, The Chandigarh State Cooperative Bank Limited, Chandigarh, is on record, in which it is stated that the relevant record comprising of 13,996 pages have already been supplied to the petitioner under his signatures. A copy of the same is attached as Annexure R-2. It is also stated that on another demand of the documents, vide Annexure R-7, the same have also been supplied to the petitioner against a receipt.

Counsel for the respondent has further submitted that only the documents which have been supplied to the petitioner will be relied upon during the enquiry and the petitioner is demanding the irrelevant documents just to delay the enquiry though, the enquiry officer has already been appointed.

In view of the stand taken by the respondent/Bank, no willful disobedience is made out as it is stated at Bar that the documents

which have already been supplied to the petitioner will only be relied upon during the course of enquiry.

Needless to say while leading defence, the petitioner can summon a witness of bank along with any document which he want to rely.

Accordingly, the present petition is disposed of having been rendered infructuous.

Since the disciplinary proceeding is pending since long, the enquiry officer is directed to conclude the enquiry preferably within a period of 06 months from today by giving short dates.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No