

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18993 of 2021 (O&M)

Date of Decision.17.03.2023

Rajat Bhaskar and others

...Petitioners

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh Bansal, Advocate
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Arvind Seth, Advocate
for respondents.

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JAISHREE THAKUR J. (ORAL)

The petitioner herein has approached this Court for issuance of a writ in the nature of certiorari for quashing the impugned enquiry report dated 12.03.2021 (Annexure P-1) as conducted by the Additional Deputy Commissioner, Kaithal and the impugned letter dated 17.08.2021 (Annexure P-2) issued by the Deputy Commissioner, Kaithal as well as the impugned letter/order dated 03.09.2021 (Annexure P-3) as passed by the Chief Executive Officer, Haryana State Rural Livelihoods Mission, vide which recommendations were made for termination of services of the petitioners and for registration of FIR on the basis of enquiry report (Annexure P-1).

Learned counsel appearing for the petitioners very fairly contends that vide memo No.9840 dated 01.08.2022 re-enquiry has been ordered in the matter of Rajat Bhaskar-petitioner No.1, Sh. Anil Malik, Additional Chief Secretary to Government of Haryana-cum-Vice President of Executive Committee of HSRLM, Rural Development Department, Haryana vide his order dated 06/07.02.2023 has taken into consideration the argument raised that the

enquiry conducted by the Additional Deputy Commissioner, Kaithal was not proper and has ordered another enquiry to be conducted by the Deputy Commissioner, Kaithal through a Committee, which already stands constituted. The Committee was to provide the appellant namely Rajat Bhaskar as well as other petitioners herein an opportunity of hearing before finalizing the report.

Learned counsel appearing on behalf of respondents would submit that the instant writ petition has been rendered infructuous, as the FIR has already been registered.

I have heard learned counsel for the parties and have perused the paper book as well as order passed in appeal by Sh. Anil Malik, Additional Chief Secretary to Government Haryana-cum-Vice President of Executive Committee of HSRLM, Rural Development Department, Haryana. The relief sought by the petitioners herein qua setting aside of the enquiry report and registration of the FIR on the basis of the said enquiry has been rendered infructuous, considering the fact that a fresh enquiry has been ordered. Moreover, further proceedings in FIR that has been registered on the basis of the enquiry has been kept in abeyance till such time as the proceedings under the re-enquiry are not culminated. In case the authorities concerned are of the opinion that petitioners herein are guilty of misconduct, the proceedings under the FIR would revive.

In view of the aforesaid facts and circumstances, the writ petition along with the misc. application as on date, is disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

March 17, 2023
Pankaj*

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