

221

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

**CWP-26289-2016 (O&M)
Date of decision : 13.02.2023**

Gurpreet Singh Gill

....Petitioner

Versus

Punjab State Power Supply Corporation Ltd. Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.S. Khurana, Advocate
for the petitioner.

Ms. Ravisha Mahajan, Advocate for
Mr. Mukul Aggarwal, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed seeking writ in the nature of certiorari for quashing of order dated 22.11.2016 whereby *de novo* departmental inquiry has been ordered against the petitioner. The petitioner is in employment with the respondent-Corporation. He was charge-sheeted vide memo dated 28.08.2014 (Annexure P-1) The chargesheet, Annexure P-1, finally culminated in the inquiry report dated 01.08.2016, placed on record as Annexure P-4. The operative part of the said inquiry report reads as under:-

'It is proved from the documents received during inquiry and cross examination that the appellant has not received payment in cash at his own level but witness Sh. Tejinder Singh, Circle Assistant who was posted as Cashier at that time has made the

payment in cash to the appellant which has been admitted by the witness during his cross examination by the appellant and in relation to question No. 6 Additional Superintending Engineer, Agar Nagar, Ludhiana, information has been received vide his office Endst.5481 dated 3.6.16 according to information in addition to making payment to the appellant ((Er. Gurpreet Singh, Additional Superintending Engineer) more four numbers payments were made (File Ex. Annexure K) accordingly the allegations made against the appellant is not proved'.

Learned counsel for the petitioner submits that despite the petitioner having been exonerated in a regular inquiry, respondent-authorities have ordered *de novo* inquiry vide Annexure P-5 dated 22.11.2016 without recording dissent with respect to the contents of the inquiry report leave aside putting such dissenting note to the petitioner for his comments thereon.

Per contra, counsel for the respondents submits that the authorities in their own wisdom found that in the absence of main witness appearing before the inquiry officer, the inquiry report could not have been relied upon and it was on such basis that Annexure P-5 has been passed.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel appearing for the respondent is not in a position to dispute that there is no dissenting note on record prior to

22.11.2016 (Annexure P-5). She is also not in position to dispute that the reason as mentioned in the written statement is not discernible from the impugned order.

In view of the aforesaid fact ,order dated 22.11.2016 cannot be sustained and is hereby ordered to be quashed. However, liberty is granted to the respondent to proceed a fresh in accordance with law.

It needs to be clarified herein that this Court has not expressed any opinion with respect to the merits of the case, it will be within the realm of the respondent to concur or to differ with the findings of the inquiry report. However, such difference or concurrence has to be in accordance with law.

The present petition stands allowed in the aforesaid terms.

13.02.2023
ps-I

(PANKAJ JAIN)
JUDGE

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