

CWP-27601-2017

1 2023:PHHC:164967

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2577

CWP-27601-2017
Date of Decision: 21.12.2023

Manpreet Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Gursher Singh Dhillon, Advocate for the petitioner.

Mr. D.K.Singal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Learned counsel for the petitioner submits that the petitioner and Sunil Handa had both been charge-sheeted by the respondent on allegations of discrepancy of 2990 quintals of wheat lifted by respondent No. 4 in March 2011. Joint inquiry was conducted with regard to the petitioner as well as Sunil Handa and both the petitioner and Sunil Handa were punished by separate orders of the same date i.e. 27.09.2017 awarding punishment of compulsory retirement and also the recovery of Rs. 28,85,412/- was imposed as against the petitioner. CWP-23653-2017 was preferred by Sunil Handa while the petitioner preferred the present writ petition challenging the orders and the entire proceedings of being violative of Principles of Natural Justice. The allegations against Sunil Handa were examined and this Court vide judgment dated 02.08.2023 allowed the writ

petition filed by Sunil Handa and the order dated 27.09.2017 was held to be in violation of Principles of Natural Justice and the punishment order as well as inquiry report was quashed and set aside. Actual benefits were also directed to be released in terms of judgment passed by Hon'ble Supreme Court in J.N.Stivastava Vs. Union of India, AIR 1999 SC 1571.

2. Learned counsel for the respondent does not dispute the passing of order in Sunil Handa who was similarly placed as the petitioner.

3. Keeping in view the above, this Court is satisfied that as Inquiry Officer was one and the same in both the cases, no separate findings are required to be recorded in the present case and the writ petition is allowed in the same terms as that of Sunil Handa versus State of Punjab decided on 02.08.2023 (supra).

4. Accordingly, the order impugned in the present writ petition dated 27.09.2017 is quashed and set aside and the petitioner shall be deemed to be re-instated with all consequential benefits as granted to Sunil Handa.

5. No cost.

6. All miscellaneous application also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

21.12.2023

Rajeev (rvs)

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No