

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

253-1

**CWP-27507-2018 &
CWP-31062-2018
Date of Decision: 02.08.2023**

BALJIT SINGH AND ANR

... Petitioners

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ravi Kamal Gupta, Advocate
for the petitioner(s).

Ms. Niharika Sharma, AAG, Punjab.

Mr. Kavinder S. Chhibber, Advocate for
Mr. D.N. Ganeriwala, Advocate
for respondents No.4 to 9.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition raises a challenge to the orders passed by the Competent Authority, whereby the private respondents have been exonerated in the departmental enquiry conducted against them.

The reason qua exoneration of the private respondents, who are employees of Punjab Home Guards and Civil Defence, is that they are not subject to the Punjab Police Rules, whereas the reason for exoneration of respondent No.4 i.e. the Inspector Paramvir Singh is that the misconduct was not established against him.

Counsel for the petitioners has referred to the Punjab Home Guards and Civil Defence (Field) Class-III Service Rules, 1983 to contend

that provisions of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time are applicable to said employees and that the Competent Authority ought to have referred the matter and dealt with the same in accordance with Rule 13 of the aforesaid Rules of 1983 instead of outrightly dismissing the said proceedings by referring to the Punjab Police Rules that were infact not applicable to the private respondents-Police Home Guards.

It is further contended that even though case FIR No.156 dated 12.07.2020 under Section 342 of the IPC, Police Station: Sujanpur has already been registered, however, the respondents have consciously chosen to not conduct a fair investigation in the matter and have filed a cancellation report. He, however, does not dispute that the Protest Petition is still pending and the cancellation report has not been accepted so far.

Be that as it may, counsel for the petitioner could not dispute the fact that findings recorded in the enquiry, which was conducted into the allegations levelled by the petitioners, are not a subject matter of challenge in the present petition and as such, any consequential action that is based upon such enquiry report submitted by the Enquiry Officer, would not be interfered with in the absence of any illegality or gross procedural impropriety established on record. The power of judicial review would be restricted under such circumstances and the High Court would not ordinarily substitute its opinion for the discretion exercised by the Disciplinary Authority.

In the above circumstances, counsel for the petitioners seeks permission to withdraw of the present petition with liberty to the petitioner to pursue their remedies in accordance with law.

Counsel for the respective respondents have no objection to the same.

Disposed of as withdrawn with the liberty as aforesaid.

AUGUST 02, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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