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

CWP-26007-2022

Date of decision : 19.01.2023

Navtej Kumar

...Petitioner

Vs.

Food Corporation of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Goyal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of writ in the nature of certiorari seeking quashing of the order dated 20.09.2022 (Annexure P-10), whereby his request for engaging legal counsel for the purpose of defending departmental charge was rejected.

Learned counsel for the petitioner has argued that the petitioner was falsely implicated in case FIR No.RC CHG 2015 A0026 dated 10.11.2015 (Annexure P-1) under Section 7 Prevention of Corruption Act, 1988 registered at Police Station CBI, District Chandigarh, therefore, departmental action was also initiated against him. He submits that in the departmental proceedings the charge sheet (Annexure P-2) against the petitioner was served on 31.05.2016 by Food Corporation of India. He submits that in the departmental inquiry, the petitioner made a request for permitting him to engage a counsel to effectively defend the enquiry proceedings, but the said request had been declined through the impugned order dated 20.09.2022 (Annexure P-10). He submits that the

decision dated 20.09.2022 (Annexure P-10) is illegal, arbitrary and violates the principles of natural justice, therefore, the same is not sustainable. He prays for setting aside the impugned order dated 20.09.2022 and seeks direction to the respondents to permit the petitioner to engage the counsel.

After hearing the learned counsel and considering his submissions, this Court does not find any merit in this case, as previously the petitioner had filed CWP-340-2019, whereby he raised the grievance that during the pendency of the criminal trial, the enquiry proceedings be deferred, as it would result in prejudice to him, because the witnesses in both these proceedings are common. The said writ petition was finally withdrawn by the petitioner on 26.05.2022 (Annexure P-7), and concededly no such prayer for engaging the counsel in the departmental proceedings was made by him in that writ petition. Further, a perusal of the request dated 08.09.2022 (Annexure P-9) made by the petitioner does not give any reason, much less highlighting any prejudice suffered by him for not being represented by an advocate. Besides, the nature of the two proceedings i.e. criminal trial and the departmental proceedings, are materially different in procedure, and the request of the petitioner is not based upon any reasonable ground. Thus, this Court does not find any reason to interfere with the impugned order dated 20.09.2022.

Resultantly, no case is made out for exercise of writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.01.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No

