

CWP-22575-2023

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2023:PHHC:130134

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22575-2023

Date of decision : 07.10.2023

Manhar Gopal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Prarthana Duggal, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondent no.4 not to take any further action /proceedings on departmental enquiry before respondent no.4 till the pendency of the criminal proceedings/ trial (challan dated 05.05.2022) (Annexure P-1)registered at Police Station Samalkha, District Panipat, Haryana.

2. The petitioner is a permanent employee of respondent-Uttar Haryana Bijli Vitran Nigam (UHBVN) and was posted as Assistant Line Man in the office of UHBVN, Bilaspur, District Yamuna Nagar, Haryana and was transferred from Kaithal to Yamuna Nagar, Haryana in the year 2018. One FIR no.109 dated 08.02.2022 was registered at Police Station Samalkha, District Panipat, Haryana under Sections 34/120-B/201/409/420/467/468/471 IPC and Section 13 of P.C. Act, 1988. The petitioner was arrested in the said FIR by the Panipat Police on 17.02.2022 and the challan

/ final report under Section 173 Cr.P.C. dated 05.05.2022 was presented by the Panipat Police and a copy of the challan has been annexed as Annexure P-1. In the said case, challan was also presented against Yogesh Lamba and Raghav Wadhawan and others. The Executive Engineer (S/U Division), UHBVN, Jagadhari on 20.06.2022 issued a charge sheet to the petitioner which has been annexed with the present writ petition as Annexure P-3. The summary of charges, statement of allegations and list of documents have been annexed as Annexure P-4. A perusal of the same would show that the charges against the petitioner were that while he was working as Pay and Pension Clerk, he had committed acts of omission and commission unbecoming of an official of the Nigam. It is further alleged that while performing duties of Pay and Pension Clerk in the Accounts Section of the office of the XEN, OP Sub Urban Division, UHBVN, Jagadhri, he was found responsible for preparing the forged cash vouchers of pension/gratuity and pay, along with Raghav Wadhawan, LDC, working as Pay and Pension Clerk in the same division which resulted in an embezzlement of Rs.49.29 crores during the financial years 2018-19 to 2021-22 as pointed out in the interim audit report initiated by the Special Audit carried out by the office of the Chief Auditor, UHBVN, Panchkula.

3. Learned counsel for the petitioner has very fairly submitted that the above said Raghav Wadhawan and Yogesh Lamba had filed CWP-10231-2023 and CWP-18341-2022 respectively which were decided by this Court vide detailed judgment dated 15.09.2023. It is further submitted that the present case is also covered by the said judgment and thus, deserves to be dismissed in the same terms as the above said writ petitions.

4. Keeping in view the above said facts and circumstances, the present petition is dismissed in the same terms as CWP-18341-2022 and

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CWP-10231-2023 which were decided by this Court vide order dated 15.09.2023.

(VIKAS BAHL)
JUDGE

October 07, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No