

**CWP-12736-2016 (O&M)
& connected cases**

2023:PHHC:119031

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

218 (03 Cases)

**CWP-12736-2016 (O&M)
Date of Decision :-11.09.2023**

Jagmohan Sharma **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CWP-17003-2018 (O&M)

Parshant Sharma **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CWP-17146-2018 (O&M)

Rajesh Rana **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nishant Indel, Advocate with
Mr. Anil Mehta, Advocate for the petitioner
in CWP-12736-2016.

Mr. Akshay Bhan, Senior Advocate with
Mr. A.S. Talwar, Advocate for the petitioner
in CWP-17003-2018.

Ms. Sehar Navjeet Singh Sandhu, Advocate
for Mr. B.S. Patwalia, Advocate
for the petitioner in CWP-17146-2018.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

By this common order, above mentioned three writ petitions are being disposed of as all the writ petitions involve same question of law and similar facts.

In the present petitions, challenge is to the charge sheet, enquiry report as well as appointment of the Enquiry Officer with a further prayer to handover the enquiry to an independent Enquiry Officer qua the disciplinary proceedings being conducted against the petitioners.

In CWP No.12736-2016 challenge is also to the order of suspension dated 30.10.2015/05.11.2015 (Annexure P/2). It may be noticed that while issuing notice of motion, operation of the suspension order was stayed.

Learned counsel for the respondent-State submits that the present petitions have been rendered infructuous keeping in view the order passed by the Government of Haryana, Forest and Wildlife Department on 24.08.2019 by which, show cause notices, which were issued to the petitioners in pursuance to the departmental proceedings have already been withdrawn with liberty to the department to issue fresh show cause notice in accordance with law.

Learned counsel for the petitioners submits that though, show cause notices have been withdrawn but challenge in the present petition is also to the charge sheet dated 09.04.2015 and enquiry conducted by a particular Enquiry Officer.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It may be noticed that after the enquiry report is submitted by the Enquiry Officer, said report is to be given to the delinquent officer for his/her comments qua the conduct of the enquiry and in case petitioners have any grievance qua the procedure adopted during the conduct of the enquiry or qua the findings returned by the enquiry officer, the said grievance can be raised before the punishing authority concerned as and when the show cause notice is issued to the petitioner.

Learned counsel for the respondents submits that after the issuance of a fresh show cause notice to the petitioners objections, if any, raised by the petitioners qua any aspect of the enquiry conducted, the same will be considered with open mind and all the objections will be taken into account keeping in view the facts and circumstances of a particular case while passing appropriate order.

Learned counsel for the respondents further submits that further action qua the disciplinary proceeding pending against the petitioners will be started from the stage of forwarding the enquiry report to the petitioners for their comments and an order as to whether the enquiry report is to be accepted or any action is to be taken, will be taken after filing of the reply to the show cause notice by the petitioners.

Learned counsel for the respondents submits that prayer of the petitioner in CWP-12736-201 qua suspension order has already been rendered infructuous as petitioner therein has already retired from service.

That being so, prayer of the petitioner qua suspension order does not survive any further.

Learned counsel for the petitioners submits that keeping in view

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the statement of the learned counsel for the respondents that the fresh show cause notice will be issued to the petitioners and thereafter opinion will be formed by the punishing authority and an appropriate order will be passed by the punishing authority, present petitions may kindly be disposed of having been not pressed any further with liberty to the petitioners that in case they are aggrieved against any order passed by the punishing authority, they can avail appropriate remedy before the appropriate forum.

Ordered accordingly.

Civil miscellaneous application pending, if any, is also disposed of.

September 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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