

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

(128)

CWP-25052-2023

Date of decision: - 06.11.2023

Kabal Singh**....Petitioner****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Deepak Arora, Advocate, for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

Mr. Dhiraj Chawla, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking setting aside of the memorandum dated 03.08.2023 (Annexure P-6) including the charge-sheet vide which the allegations of dereliction of duties have been referred to against the petitioner. Further quashing of the memorandum dated 04.09.2023 (Annexure P-8) including the charge-sheet has also been sought under which the allegations have been referred to regarding the demand of money/bribed from certain private individuals by the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner would limit his prayer in the present writ petition to a direction to the respondent authorities to take an expeditious decision with respect to the memorandum dated 04.09.2023 (Annexure P-8) to which the reply

has been submitted on 28.09.2023 (Annexure P-9) by the petitioner on the aspect as to whether the authorities proposed to appoint an inquiry officer or drop the charges against the petitioner. It is stated that the petitioner would not press the other prayers made in the present writ petition.

3. Learned counsel for the respondent-State has submitted that the Competent Authority would take a decision on the aspect agitated by the petitioner within a period of six weeks from the date of receipt of certified copy of the present order.

4. Learned counsel appearing for respondent No.4 has submitted that the present order should not be construed as an opinion on merits of the case in favour of either of the parties.

5. Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction to the competent authority to take a decision within a period of six weeks from the date of receipt of certified copy of this order on the aspect as to whether the the competent authority proposes to appoint an inquiry officer or drop the charges against the petitioner with respect to the memorandum dated 04.09.2023 (Annexure P-8) to which the reply has also been submitted by the petitioner on 28.09.2023 (Annexure P-9).

6. It is made clear that this Court has not opined on the merits of the case and the competent authority would independently assess the said aspect and proceed in accordance with law.

November 06, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No