

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

**CWP- 453-2022 (O&M)
Date of Decision:24.04.2024**

Sunil Sharma

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Shivam Malik, Advocate for the petitioner.

Ms. Shubhra Singh, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned Stock Verification Report dated 09.09.2021 (Annexure P-8) submitted by respondent No.5 and further to quash impugned orders dated 19.10.2021 (Annexure P-14) and 30.09.2021 (Annexure P-12).

2. Learned counsel for the petitioner submitted that the fact finding enquiry was instituted for the purpose of verification of stock and he was not associated in the enquiry and thereafter the show cause notice was issued to him which has been challenged in the present petition. He further submitted that now during the pendency of the present petition, an enquiry has already been initiated and even the enquiry report has already been submitted and so far as the first prayer of the petitioner challenging show cause notice is concerned, the same has become infructuous. He

submitted that so far as second prayer that he was not associated in the fact finding enquiry for the purpose of stock verification is concerned, the same still survives because no fact finding enquiry could have been done at the back of the petitioner.

3. On the other hand, Ms. Shubhra Singh, learned counsel for the respondents stated that so far as the first prayer pertaining to the show cause notice is concerned, learned counsel for the petitioner has already stated that the same has already become infructuous. She further submitted that so far as the second prayer of the petitioner is concerned that he was not associated in the fact finding enquiry is factually incorrect in view of the fact that repeated messages and emails were sent to the petitioner for getting himself associated in the fact finding enquiry to which he did not do and even otherwise also now the entire enquiry is completed and report has been submitted to the disciplinary authority/competent authority and therefore it will not be in the interest of justice to interfere at this stage for quashing of the fact finding enquiry.

4. I have heard learned counsel for the parties.

5. The only issue survives in the present case is that as per learned counsel for the petitioner, in the fact finding enquiry/preliminary enquiry the petitioner was not associated and therefore it cannot sustain. However, it is the case of the learned counsel for the respondents that repeated messages and e-mails were sent to him.

6. This Court is of the view that the aforesaid is totally a disputed question of fact which cannot be gone into by this Court in exercise of its powers under Article 226 of the Constitution of India. Even otherwise also the entire enquiry has been completed by now and enquiry report has already been submitted to the concerned authority and

therefore it is neither in the interest of justice nor it is proper for this Court to interfere in the aforesaid fact finding enquiry on the ground that the petitioner was not associated.

7. Consequently, finding no merit in the present petition and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

24.04.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No