

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(129)

CWP-194-2024

Date of decision: - 08.01.2024

Dayanand

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sanchit Punia, Advocate,
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

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, order or direction in the nature of certiorari for quashing the impugned order dated 25.04.2023 (Annexure P-1) vide which Superintendent of Police, Bhiwani/respondent No.3 has placed the petitioner under suspension and ordered the departmental enquiry against the petitioner by appointing respondent No.4 as Enquiry Officer. Challenge is also made to the show cause notice dated 13.12.2023 (Annexure P-5) and a further prayer has been made for directing the respondents to keep the departmental proceedings pending till the final disposal of the criminal trial in FIR No.11 dated 25.04.2023, under Sections 7 and 13 of the PC Act, 1988, registered at Police Station ACB Hisar, District Hisar.

2. Learned State counsel has pointed out that in the present case, all the witnesses in the departmental proceedings have been examined and the departmental proceedings have culminated and a show cause notice dated 13.12.2023 (Annexure P-5) has been issued seeking reply of the petitioner on the proposed punishment and thus, the question of postponing the final order on the ground that the common witnesses be not examined, does not survive in the present writ petition.

3. Learned counsel for the petitioner has submitted that in view of the said stand taken by the respondent-State, the petitioner seeks to withdraw the present writ petition, but prays that the petitioner be permitted to give a detailed reply to the show cause notice dated 13.12.2023 (Annexure P-5) within a period of 10 days from today as no final decision has been taken on the same and in case of his filing the said reply, the same be considered before any final decision is taken with respect to the show cause notice dated 13.12.2023 (Annexure P-5).

4. Keeping in view the above-said facts and circumstances and the limited prayer made by learned counsel for the petitioner, the petitioner is permitted to withdraw the present writ petition, with liberty to file a reply to the show cause notice dated 13.12.2023 (Annexure P-5) within a period of 10 days from today. In case no final decision has been taken on the show cause notice dated 13.12.2023 (Annexure P-5) and in case the petitioner files reply to the said show cause notice within a period of 10 days from today, then, the competent authority of the respondent-State would take a final decision on the show cause notice dated 13.12.2023 (Annexure P-5) after taking into consideration the reply

filed by the petitioner, within the said period of 10 days.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of the respondent-State would consider and decide the matter independently, in accordance with law.

January 08, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No