

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2122-2024

Date of decision : 01.02.2024

Manoj Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aditya Yadav, Advocate for the petitioner.

Ms.Palika Monga, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the departmental inquiry report dated 10.10.2023 (Annexure P-5).

2. Learned counsel for the petitioner has submitted that the petitioner was in custody since 22.08.2023 and was only released on bail on 07.12.2023 and has submitted that the evidence has been recorded at the back of the petitioner and the petitioner could not cross-examine the said witnesses on account of his being in custody and has prayed that a fresh inquiry be conducted after giving an opportunity to the petitioner to cross-examine the witnesses and also to produce his own witnesses. It is submitted that the petitioner would give reply to the show cause notice dated 18.12.2023 (Annexure P-6) within a period of one month from today and has prayed that the competent authority be directed to consider the pleas raised in the said reply including the pleas of the petitioner of being in custody and being unable to cross-examine the witnesses and also of being

unable to produce his defence evidence.

3. Learned State counsel has submitted that in case the petitioner files reply to the show cause notice dated 18.12.2023 (Annexure P-6), then all the aspects would be considered, in accordance with law and a speaking order would be passed on the same.

4. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with the following observations/directions:-

- i) The petitioner would file reply to the show cause notice dated 18.12.2023 (Annexure P-6) within a period of one month from today and it would be open to the petitioner to raise all pleas including the plea of his being in custody and that the petitioner on the said account has not been able to cross examine the witnesses and not lead defence evidence.
- ii) The competent authority would consider all the pleas raised by the petitioner including the abovesaid plea while deciding the reply to the show cause notice and in case the competent authority is of the opinion that the pleas raised by the petitioner are meritorious, then would hold a fresh inquiry.
- iii) In case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same would be passed.

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

(VIKAS BAHL)
JUDGE

February 01, 2024
Davinder Kumar

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