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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2270-2024
Date of decision: 02.02.2024

Yashpal ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.
Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 26/27.12.2023 (Annexure P-6) whereby the departmental inquiry has been ordered to be initiated against the petitioner.
2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner in the present writ petition, the petitioner had given representation dated 08.01.2024 (Annexure P-9) and he would be satisfied at this stage, in case, respondent No.2 is directed to consider the said representation dated 08.01.2024 (Annexure P-9) in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to grant necessary relief in accordance with law. It is further prayed that till the time the decision is taken on the representation, common witnesses in the departmental proceedings and in the FIR may

kindly be not examined in the departmental proceedings.

3. Learned State Counsel has submitted that respondent No.2 would consider the said representation dated 08.01.2024 (Annexure P-9) in accordance with law, as expeditiously as possible preferably within a period of 15 days from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.2 to consider representation dated 08.01.2024 (Annexure P-9) in accordance with law within a period of 15 days from the date of receipt of certified copy of the present order and in case, the pleas raised by the petitioner are found to be meritorious then respondent No.2 would grant necessary relief, in accordance with law and in case, respondent No.2 is of the opinion that the pleas raised by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of 15 days from the date of receipt of certified copy of the present order. Till the time the decision is not taken on the representation, common witnesses in the departmental proceedings and in the FIR be not examined in the departmental proceedings, although the departmental proceedings can continue.

5. This Court has not opined on the merits of the case and respondent No.2 would consider the case of the petitioner independently, in accordance with law.

02.02.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No