

2024:PHHC:041736

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

CWP No.7121 of 2024 (O&M)
Date of decision: 22.03.2024

Surjit Singh

....Petitioner

Versus

The Punjab State Civil Supplies Corporation Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Tahaf Bains, Advocate for the petitioner.

Mr. Navdeep Chhabra, Advocate for respondent No.1.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing respondent No.1 to hear and decide the representation dated 09.03.2024 (Annexure P-12) seeking change of Enquiry Officer on the ground of violation of Rule 8 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, and further to direct respondent No.1 to pass appropriate order on the representation dated 05.09.2023 (Annexure P-4) vide which the petitioner has sought documents and information pertaining to the charge-sheet as per provisions of Rule 8 (11) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970. Further a writ of certiorari has been sought for quashing the order dated 23.01.2024 (Annexure P-9) passed by respondent No.1 vide which the request of the petitioner for change of Enquiry Officer has been filed without any consideration on the matter or passing any speaking order.

2024:PHHC:041736

2. Learned counsel for the petitioner submits that the petitioner was issued a charge-sheet dated 01.03.2023 (Annexure P-3) pertaining to the Wheat stock for the Crop Year 2020-21 and 2021-22, to which the petitioner submitted his reply dated 21.03.2023, whereupon the Enquiry Officer was appointed vide order dated 25.05.2023/01.06.2023.

3. It is the case of the petitioner that the Enquiry Officer is biased and is not conducting the enquiry in terms of the procedure laid down in the ‘Punjab Civil Services (Punishment & Appeal) Rules, 1970’. In support of the said contention, he has shown a zimini order dated 01.03.2024 (Annexure P-10), which reads as under:-

“Proceedings of Sh. Manav Jindal and others

Today on 01.03.2024, the copy of the statements given by Sh. Harbinder Singh, S.A., Wheat Dealing Assistant and Sh.Gurpreet Singh, Senior Assistant, Establishment Assistant has been given to all the three C.Os. and the cross examination on this statement, which they have to be made, a time upto 08.03.2024 was given. The questions, which they have to put, they will sent to the Presenting Officer, who will further send to the witnesses and the witnesses will bring their reply by preparing the same on the basis of the facts after perusing the record and the next date has been fixed as 15.03.2024. On that day, the Presenting Officer will produce his remaining witnesses alongwith his statement.

<i>Sd/-</i>	<i>Witnesses</i>	<i>P.O.</i>	<i>Sd/-</i>
<i>Sd/-</i>	<i>Sd/-</i>	<i>Sd/-</i>	<i>Inquiry Officer</i>
<i>Sd/-</i>	<i>Sd/-</i>		
<i>C.Os.”</i>			

4. Learned counsel for the petitioner further submits that on the same very day, he submitted a representation dated 01.03.2024 (Annexure P-11), for change of the Enquiry Officer followed by another

2024:PHHC:041736

detailed representation dated 09.03.2024 (Annexure P-12) which is still pending consideration with the Managing Director of PUNSUP, Chandigarh.

5. Notice of motion.
6. Mr. Navdeep Chhabra, Advocate, who is present in the Court, accepts notice on behalf of respondent No.1 and opposed the submissions made by learned counsel for the petitioner.
7. I have heard learned counsel for the parties and have gone through the record of the case.
8. Keeping in view the prayer of the petitioner for considering his request for change of Enquiry Officer, the respondents are directed to consider and decide the representations dated 01.03.2024 (Annexure P-11) and dated 09.03.2024 (Annexure P-12), within a period of 02 months from the date of receipt of certified copy of this order.
9. At this stage, learned counsel for the petitioner submits that the enquiry proceedings are fixed for hearing on 28.03.2024 and if the same are allowed to continue, great prejudice would be caused to the petitioner.
10. Accordingly, it is directed that the enquiry proceedings shall remain stayed till the final decision is taken by the respondents on the representations dated 01.03.2024 (Annexure P-11) and dated 09.03.2024 (Annexure P-12).
11. The petition stands disposed of in the above terms.

22.03.2024
yakub

Whether speaking/reasoned:
Whether reportable:

(NAMIT KUMAR)
JUDGE
Yes/No
Yes/No