



CWP-8401-2024

-1-

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

(111)

CWP-8401-2024

Date of decision: - 21.05.2024

Harkesh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Randhir S. Hooda, 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 the issuance of a writ in the nature of certiorari for challenging the impugned charge details/charge-sheet (Annexure P-2) whereby the departmental proceedings have been initiated against the petitioner.

2. Learned counsel for the petitioner has submitted that the proceedings in the present case have been initiated in violation of the Punjab Police Rules, 1934 (for short '1934 Rules') and has submitted that at this stage, the petitioner would be satisfied in case he be permitted to give a detailed representation to the competent authority of respondent No.1-State by giving the details of the violation of the said mandatory

provisions of the 1934 Rules and has submitted that the competent authority of respondent No.1-State be directed to consider the said representation, in accordance with law, in a specified time frame and till the time the said decision is not taken, further proceedings in the departmental proceedings be stayed.

3. Learned State counsel has submitted that in case any such representation is given by the petitioner, then, the same would be considered in accordance with law within a period of two months from the date of giving of the said representation.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of in the following terms: -

- (i) It would be open to the petitioner to give a representation detailing the violation of the mandatory provisions of the 1934 Rules, within a period of 10 days from today.
- (ii) In case any such representation is filed by the petitioner within the aforesaid period of 10 days from today, then, the competent authority of respondent No.1-State would consider the said representation within a period of two months from the date of submission of the said representation and in case, after considering the said representation, the competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritorious, then, would proceed accordingly. In case, the competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of two months.
- (iii) Till the time final decision is taken, further proceedings in the departmental proceedings would be stayed.



CWP-8401-2024

-3-

(iv) In case the petitioner does not given a representation within the aforesaid period of 10 days, then, the present writ petition would be deemed to have been dismissed.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider and decide the matter independently, in accordance with law.

May 21, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No