

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-12140-2020(O&M)
Date of decision : 08.02.2024

Jaipal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Dr.Suresh Kumar Redhu, Advocate
for the petitioner.

Ms.Rajni Gupta, Addl.A.G. 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 to quash the order dated 07.05.2020 (Annexure P-1) vide which the Superintendent of Police, Sonipat had initiated the first departmental enquiry on the allegations showing negligence in duties by indulging in criminal activities, by joining the liquor mafia, promoting corruption and by not obeying the orders of higher authorities and also subsequent proceedings charge sheet (Annexure P-5), report (Annexure P-7) and the show cause notice (Annexure P-8).
2. Learned counsel for the petitioner has submitted that the petitioner was in custody since May 2020 and thus could not duly defend himself in the enquiry proceedings. It is further submitted that now the petitioner has been released on bail.

3.

Learned State counsel has submitted that a show cause notice (Annexure P-8) has been issued to the petitioner and no reply has been filed to the said show cause notice by the petitioner and in case the petitioner files reply giving all his grievances in the same, the authority would consider the same including all the pleas raised by the petitioner in the said reply before taking any final decision and pass a speaking order, in accordance with law.
4.

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

i)

It would be open to the petitioner to file a reply to the show cause notice (Annexure P-8) within a period of 3 weeks from today.

ii)

In case the petitioner files the said reply within the aforesaid period, the competent authority of the respondent-State is directed to consider the said reply and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed.
5.

It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent-State would consider and take a decision on the above said aspect independently, in accordance with law.
6.

Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)

JUDGE

February 08, 2024

Davinder Kumar