



CWP-12236-2020 (O&M) 1

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

(220)

**CWP-12236-2020 (O&M)
Date of Decision : October 18, 2024**

Renu Sood

.. Petitioner

Versus

State of Punjab through Secretary and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vaibhav Vats, Advocate and
Mr. Kartik Sharma, Advocate, for
Mr. Ferry Sofat, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that without considering as to whether the complaint on the basis of which charge-sheet dated 29.07.2020 (Annexure P-6) has been issued against the petitioner, needs any investigation, the disciplinary proceedings have been initiated.

2. Learned counsel for the petitioner submits that the charge-sheet has been served on 29.07.2020 whereas, the Enquiry Officer to conduct the enquiry was appointed even before issuance of the charge-sheet.

3. While issuing notice of motion, the Coordinate Bench of this Court vide order dated 19.08.2020 had stayed the further proceedings before the Enquiry Officer.

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4. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that certain allegations were alleged against the petitioner in the complaint which needed to be enquired into and that is why, the charge-sheet was issued to the petitioner and the allegation that the Enquiry Officer had already been appointed prior to the issuance of the charge-sheet is incorrect as no Enquiry Officer has been appointed so far to enquire into the allegations as alleged in the charge-sheet dated 29.09.2020 (Annexure P-6).

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The only argument which has been raised by the learned counsel for the petitioner is that the allegations on the basis of which charge-sheet has been issued, are frivolous and false.

7. It may be noticed that the said argument cannot be looked into by the Court. In case, the allegations alleged against the petitioner are incorrect or false, the same will not be proved during the disciplinary/enquiry proceedings and no action will be taken. It is only in case, any allegation is proved against the petitioner, the jurisdiction exists with the punishing authority to pass an appropriate order. This Court cannot go into the fact whether the allegations alleged against the petitioner are false or not. The said jurisdiction only exist with the punishing authority for which the disciplinary proceedings have already been initiated against the petitioner.

8. Further, allegation of the petitioner that the charge-sheet has been issued with pre-determined mind as the Enquiry Officer was appointed prior to the issuance of the charge-sheet, cannot be accepted as the same has

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been clarified by the respondents that no Enquiry Officer has been appointed to conduct the enquiry as of now.

9. Keeping in view the above, the prayer of the petitioner for setting aside the charge-sheet dated 29.07.2020 (Annexure P-6) cannot be accepted and the same is rejected.

10. It may be noticed that while conducting the enquiry, the rules of natural justice be followed so that due opportunity is given to the petitioner to defend herself so as to produce all the required evidence to prove her innocence qua the allegations alleged in the charge-sheet.

11. The present writ petition is accordingly dismissed.

12. Civil miscellaneous application pending if any, also stands disposed of.

October 18, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No