

**CM-21061-CWP-2023 in/and
CWP-20248-2012 2024:PHHC:008470 1
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(105) **CM-21061-CWP-2023 in/and
CWP-20248-2012
Date of Decision : January 23, 2024**

Ved Pal .. **Petitioner**

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Varuna Singh, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-21061-CWP-2023

Present application has been filed for early hearing and for fixing an actual date of hearing in the main writ petition.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and on the joint request of learned counsel for the parties, the main appeal is taken up for hearing today itself.

CWP-20248-2012

1. In the present writ petition, the challenge is to the charge-sheet dated 23.03.1992 (Annexure P-2) against the petitioner and the consequent order which has been passed on 25.01.1997 (Annexure P-4) as well as adverse entry which has been recorded in the ACR of the petitioner (Annexure P-5).

2. Learned counsel for the petitioner submits that the petitioner was wrongly charge-sheeted for the allegation of theft of 15 old kamanies and without holding a proper enquiry, an order of punishment was passed, a copy of which has been appended with this petition as Annexure P-4 dated 25.01.1997 and in pursuance to the said order, an adverse entry has been recorded in the ACR of the petitioner by the respondents, which is totally arbitrary and illegal.

3. Learned counsel for the respondents submits that the petitioner was caught red handed stealing the property of the respondent-State due to which, a charge-sheet dated 23.03.1992 was issued and during the pendency of the said charge-sheet, the petitioner accepted his guilt and pleaded for mercy due to which, a lenient view was taken to record “integrity doubtful” entry and not to pay any emolument for the period the petitioner remained suspended and keeping in view the said punishment order, in the ACR of the petitioner, “integrity doubtful” entry was recorded hence, in the facts and circumstances of the present case, the petitioner cannot be allowed to go scot-free so as to plead innocence now at this stage.

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

5. The facts which have been stated hereinbefore, are not disputed. It has already come on record that the petitioner was caught red handed stealing 15 “kamanies” weighing 24.2 kgs. The charge-sheet was served and during the pendency of the charge-sheet, the petitioner admitted his guilt and pleaded that he be allowed to work.

6. By taking a lenient view, the Department decided to allow the petitioner to work but with the condition that he will not be paid any salary for the period he remained under suspension and that “integrity doubtful” entry will be recorded in his ACR. The petitioner is now challenging the said punishment.

7. Once, the petitioner has already admitted his guilt which is a conceded fact, the respondent-Department was well within its jurisdiction to impose any punishment on the basis of the allegations alleged in the charge-sheet. As the punishment had already been imposed hence, now the right to challenge the charge-sheet as well as the punishment does not lie with the petitioner keeping in view the fact that the alleged misconduct was conceded by the petitioner before the authorities concerned.

8. It may be noticed that it is only due to the fact that the petitioner conceded the allegations, a lenient view was taken not to impose any punishment except the denial of the pay during the suspension and record the entry doubtful in the ACR by the respondents.

9. Keeping in view the said fact, no ground is made out for any interference by this Court in the impugned orders.

10. Dismissed.

January 23, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No