

CWP-16232-2023(O&M)

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2024:PHHC:039192

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-16232-2023(O&M)

Date of decision : 19.03.2024

Tikam Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manish Soni, Advocate
for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned order dated 10.03.2023 (Annexure P-3) issued by respondent no.2 whereby the petitioner has been placed under suspension and regular departmental enquiry has been initiated against the petitioner for his involvement in case FIR no.12 dated 09.03.2023 (Annexure P-1) registered under Section 7 of the Prevention of Corruption Act, 1988 (Section 13(1)(B) read with 13(2) of the prevention of Corruption Act, 1988 added later on) at Police Station State Vigilance Bureau, Gurugram as well as impugned Summary of Allegations (Annexure P-4).

2. Learned counsel for the petitioner has submitted that in the present case vide order dated 31.07.2023 this Court was pleased to issue notice of motion and notice regarding stay and in the meantime, the

petitioner has been proceeded against ex-parte in the departmental proceeding and enquiry has been completed and till date no show cause notice has been issued to the petitioner and prays that for the grievances raised by the petitioner, the petitioner would give a representation to the competent authority / respondent no.3 and at this stage, would be satisfied in case the said representation is considered by the competent authority / respondent no.3 in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then necessary relief be granted to the petitioner.

3. Learned State counsel has submitted that the enquiry has been concluded in the present case but in case any representation is moved by the petitioner, then the same would be considered and decided by the competent authority / respondent no.3 within a period of three weeks from the date of the receipt of the said representation.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority / respondent no.3 to consider the representation, which would be filed by the petitioner within a period of one week from today, and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of the receipt of said representation 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 within a period of three weeks from the date of the receipt of representation.

5. It is made clear that this Court has not opined on the merits of

the case and the competent authority / respondent no.3 would consider and decide the representation independently, in accordance with law.

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

(VIKAS BAHL)
JUDGE

March 19, 2024
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No