



CWP-20853-2020

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-20853-2020
Date of decision : 29.05.2024

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 15.05.2020 (Annexure P-7) vide which the Superintendent of Police, Sonipat, has initiated the departmental enquiry against the petitioner. Challenge is also to the charge sheet dated 16.05.2020 (Annexure P-9).
2. A perusal of the order dated 15.05.2020 (Annexure P-7) would show that the departmental enquiry had been initiated against the petitioner vide order dated 15.05.2020 by the Superintendent of Police, Sonipat wherein it had been mentioned that after obtaining the report of the DSP,

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Sonipat, it had been found that two FIRs i.e., FIR no.197 dated 05.05.2020 under Sections 188, 380, 409, 457, 120-B IPC, Section 61-1-14 Excise Act and Section 7 PC Act and FIR no.204 dated 08.05.2020 under Sections 188, 218, 420, 120B IPC, Section 61-1-14 Excise Act and Section 7 PC Act had been registered against the petitioner at Police Station Kharkhoda and 11 investigation files were in the custody of the petitioner and the petitioner had willfully absented himself without any permission, leave, intimation from his duty continuously w.e.f. 08.05.2020 and the absence of the petitioner was recorded in the Roznamcha of Police Station Kharkhoda vide GD Request no.35 dated 08.05.2020 at 05:56 PM. It had been observed that the petitioner had shown gravest negligence and indiscipline in performing his duty and accordingly, departmental proceedings had been initiated against the petitioner and the DSP, Gohana had been appointed as enquiry officer in this regard. Charge sheet (Annexure P-9) also recorded the fact that after registration of the two FIRs, the petitioner had absented himself from duty without any permission, leave or information and thus, showed grave negligence and indiscipline in his duty.

3. Learned counsel for the petitioner has challenged the said proceedings solely on the ground that other departmental proceedings have also been initiated against the petitioner on the same allegations and that multiple enquiries on the same allegations cannot be initiated against the petitioner.

4. Learned State counsel has submitted that prior to the passing of the interim order dated 04.12.2020, all the witnesses in the present

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departmental proceedings had been examined and that further action has not been taken on account of the said stay order. It is submitted that the fact that all the witnesses were examined in the departmental proceedings prior to the grant of interim order dated 04.12.2020 has neither been mentioned in the petition nor brought to the notice of the Court. With respect to the sole argument raised by learned counsel for the petitioner, learned State counsel has submitted that the allegations in the said enquiries are different and in none of the said enquiries, there is allegation/charge against the petitioner having been willfully absent without any permission, leave or intimation from his duty continuously w.e.f. 08.05.2020 and thus, the plea raised by the petitioner is completely misconceived and deserves to be rejected.

5. This Court has heard the learned counsel for the parties and has perused the paper book.

6. The sole argument raised by the learned counsel for the petitioner in the present writ petition is that the enquiry initiated vide order dated 15.05.2020 (Annexure P-7) and the charge sheet dated 16.05.2020 issued against the petitioner deserve to be quashed on the ground that several other enquiries have been initiated against the petitioner on the same allegations. On a pointed query put by this Court to the learned counsel for the petitioner as to whether the charge sheet in the other cases has been placed on record in the present writ petition, learned counsel for the petitioner has answered in the negative. Learned counsel for the petitioner has not referred to any document to support his plea that the allegations/charges in the other disciplinary proceeding are the same as in



the impugned disciplinary proceedings.

7. A close perusal of the paper book would show that Annexures P-1, P-4, P-5 and P-6 are the orders vide which four different enquiries have been initiated against the petitioner. A perusal of the said orders would show that in none of the said orders, there are allegations against the petitioner to the effect that the petitioner was in possession of 11 investigation files and that he had willfully absented himself without any permission, leave, intimation from his duty continuously w.e.f. 08.05.2020, which are the allegations in the impugned order / charge sheet. Thus, the argument of learned counsel for the petitioner that the other four departmental proceedings are based on the same allegations as are the allegations in the impugned departmental proceedings, is misconceived and baseless and deserves to be rejected. Moreover, no law has been cited by learned counsel for the petitioner to show that different departmental proceedings for separate charges cannot be initiated by the department against the petitioner.

7. Keeping in view the abovesaid facts and circumstances, finding no merit in the present writ petition, the same is dismissed.

(VIKAS BAHL)
JUDGE

May 29, 2024

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No