

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

(238)

CWP-27451-2022

Date of Decision: - 08.04.2024

Mahesh Kumar**....Petitioner****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

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

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction restraining the respondents to proceed with the departmental enquiry initiated against the petitioner during the pendency of the criminal trial in case FIR No.33 dated 04.09.2022 under Sections 7, 13(1) (B) read with Section 13(2) of the Prevention of Corruption Act, 1988 (Annexure P-1) registered at Police Station State Vigilance Bureau, District Gurugram as the same is in violation of Rule 16.3 and 16.24(ii) of the Punjab Police Rules, 1934 (as applicable to State of Haryana).

2. Learned counsel for the petitioner has submitted that vide order dated 07.09.2022 (Annexure P-3) the petitioner was put under suspension and a regular departmental inquiry was initiated against the petitioner by the Deputy Commissioner of Police, Headquarters, Gurugram and the said initiation of the departmental inquiry was in

violation of Rule 16.38 of Vol-II, Chapter XVI of the Punjab Police Rules, 1934 (as applicable to State of Haryana) and has submitted that on the basis of the said averment and other averments made in the writ petition, the Co-ordinate Bench of this Court had stayed the disciplinary proceeding, vide order dated 01.12.2022, which is continuing till date. It is further submitted that the petitioner would submit a detailed representation detailing his grievances and would also specifically mention the provisions that, as per the petitioner, were violated while initiating the departmental proceedings. It is prayed that at this stage, the petitioner would be satisfied, in case, competent authority of respondent No.1-State considers the said representation, in accordance with law, in a specified time frame and in case, the pleas raised by the petitioner are found to be meritorious, then, grant the appropriate relief. It is further prayed that since the interim order has been continued since 01.12.2022, the same be continued till the time the competent authority of respondent-State decide the said representation.

3. Learned State counsel has submitted that the said provision is not applicable in the case of the petitioner and has submitted that in case, the representation is filed by the petitioner, the competent authority of respondent No.1-State would consider the same, in accordance with law, within a period of eight weeks from the date of submission of the same.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of in the following terms: -

- (i) It would be open to the petitioner to give a detailed representation mentioning his grievances to the competent authority of respondent No.1-State within a period of two

weeks from today.

- (ii) In case, any such representation is filed by the petitioner, the competent authority of respondent No.1-State would consider the same within a period of eight weeks from the date of submission of the said representation and in case, after considering the said representation, the competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritorious, then, the appropriate relief be granted to him, as expeditiously as possible. In case, the competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of eight weeks.

5. Till the time the said representation is considered, the interim order dated 01.12.2022 passed by the Co-ordinate Bench of this Court would continue.

6. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider and decide the matter independently, in accordance with law.

April 08, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No