



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

**CWP No.13372 of 2025
Date of Decision:04.11.2025**

Varinder Pal Singh Dhoot

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Shivani Sharma, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of charge sheet dated 14.10.2024 and order dated 28.01.2025 whereby respondent No.2 has been appointed as Enquiry Officer. In the alternative, he is praying that Enquiry Officer may be substituted by an Officer who is located around Chandigarh.

2. The petitioner was posted as Naib Tehsildar in Majri Block, Tehsil Kharar. He was issued charge sheet with respect to implementation of order dated 01.07.2016 passed by Additional Deputy Commissioner (Development)-cum- Collector, SAS Nagar. He has been dismissed from service vide order dated 24.02.2025. He has preferred an appeal before Appellate Authority which is still pending. On the basis of audit objection to the effect that there is loss of stamp duty of Rs.7,52,00,000/-, he has been



served charge sheet dated 14.10.2024. Respondent No.2 has been appointed Enquiry Officer vide order dated 28.01.2025. The petitioner claims that employer-employee relation has snapped in view of dismissal order dated 24.02.2025, thus, respondent cannot initiate or continue another departmental enquiry.

3. Learned counsel for the petitioner submits that petitioner's case is squarely covered by judgment of Hon'ble Supreme Court in *State of Maharashtra Vs. Vijay Kumar Aggarwal and another, 2014(13) SCC 198*.

4. Learned State counsel submits that petitioner has caused loss to State exchequer to the tune of Rs. 7.52 Crore, thus, department has right to initiate and continue enquiry against him despite his dismissal from service.

5. On being asked, learned counsel for the petitioner confirmed that State has no mechanism to recover alleged amount from petitioner except to file civil suit.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it is evident that petitioner stands dismissed from service. He has preferred appeal against order of dismissal from service which is still pending. The Appellate Authority may or may not allow his appeal, however, as on date he stands dismissed from service. The respondent has initiated second enquiry alleging misconduct which entailed loss of Rs. 7.52 Crore to State exchequer. The State has no mechanism to recover aforesaid amount from petitioner except to file Civil Suit. Whether the petitioner has actually caused loss or not has to be determined by Civil Court. Hon'ble Supreme Court in *Vijay Kumar*



Aggarwal (Supra) has held that second departmental enquiry should be kept in abeyance if employee stands dismissed from service.

8. In the wake of afore-state facts, this Court finds it appropriate to direct the respondent to keep the impugned departmental enquiry in abeyance till the conclusion of proceedings wherein petitioner was dismissed from service. It is made clear that State would be at liberty to avail remedy of Civil Suit or any other remedy as permissible by law with respect to alleged loss of stamp duty.

9. The petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

04.11.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	