



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

106+221

CWP-26311-2018 (O & M)
Date of Decision: 03.02.2025

Sohan Lal

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ajay Kumar Gupta, Advocate,
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Prateek Mahajan, Advocate,
Mr. Kunal Soni, Advocate,
and Mr. Daanish Mahajan, Advocate,
for respondent Nos.2 to 5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition filed under Articles 226 and 227 of the Constitution of India is seeking setting aside of:-

- (i) office order dated 27.12.2017 (Annexure P-6);
- (ii) inquiry report dated 07.03.2018 (Annexure P-7) and
- (iii) office order dated 14.05.2018 (Annexure P-8).

2. The petitioner claims that during his service tenure, he was subjected to departmental inquiry. A retired District & Sessions Judge was appointed as Inquiry Officer who submitted his report wherein he did not find any infirmity/misconduct on the part of petitioner. The Disciplinary Authority



Officer.

3. The petitioner appeared before the Inquiry Officer and made his submissions. The Inquiry Officer submitted his report which is under challenge. The respondent on the basis of second report of Inquiry Officer issued show cause notice to the petitioner. He has already retired.

4. Mr. Gupta submits that there is no provision permitting appointment of second Inquiry Officer. The respondent at the most could refer the non-adverted issue to the same Inquiry Officer.

5. Mr. Mahajan expressed his inability to controvert the fact that in case of non-adverting of a particular point, the matter could be referred to same Inquiry Officer whereas Disciplinary Authority has wrongly appointed another Inquiry Officer.

6. In the wake of statement of both sides, petition stands disposed of with liberty to respondent to refer the issues to same Inquiry Officer which were not earlier considered by him. The respondent would not proceed with report of second Inquiry Officer and impugned show cause notice issued thereafter.

7. Pending application, if any, shall also stand disposed of.

03.02.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No