

2026.PHHC.019455



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103 + 202

CWP-3759-2001 (O&M)

Date of decision: February 02, 2026

ANAND SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.P. Laler, Advocate
for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* quashing the chargesheet dated 27.07.1993, Annexure P-6, inquiry report dated 31.08.1995, and the punishment order dated 05/06.07.2000, Annexure P-24, whereby the petitioner has been dismissed from service. Further, a writ of *mandamus* has been sought directing the respondents to reinstate him in service with all consequential benefits.

2. As per the brief facts apparent on record, the petitioner was selected as Lecturer in Civil Engineering by the Haryana Public Service Commission (HPSC), and joined service at the Government Polytechnic, Ambala City, on 16.11.1984. He was later posted at Government Polytechnic, Jhajjar, from where he remained absent with effect from 15.02.1991. During absence, he was transferred to Government Polytechnic, Sirsa, vide office order dated 31.07.1991, but he never joined service there.

He was accordingly chargesheeted, vide memo dated 27.07.1993, on six different charges including willful absence from duty with effect from 15.02.1991. He submitted reply to the chargesheet dated 26.02.1994, Annexure P-7. After considering the same, a regular disciplinary inquiry was instituted by appointing an Inquiry Officer, who submitted a report dated 31.08.1995. The disciplinary authority agreed with the findings of the Inquiry Officer and proposed the punishment of dismissal from service to the petitioner vide second show cause notice dated 15.11.1995, Annexure P-19; a copy of the inquiry report was enclosed therewith. The petitioner submitted his reply dated 10.01.1996, Annexure P-21A. It was found unsatisfactory, and keeping in view relevant facts and circumstances of the case, the Government/competent authority in consultation with the HPSC dismissed him from service, vide order dated 05/06.07.2000.

3. Learned counsel for the petitioner contended that the petitioner was not furnished any list of witnesses and list of documents alongwith the chargesheet dated 27.07.1993. The only documents enclosed with the chargesheet were – statement of charges and statement of allegations. This vitiated the disciplinary inquiry proceedings against him, and no punishment could have been imposed on that basis. *Secondly*, it has been contended that the Presenting Officer R.S. Sihota was also one of the witnesses as per the chargesheet and, therefore, he could have not continued as Presenting Officer. On petitioner's requests dated 27.10.1994 and 02.11.1994, the Presenting Officer was changed to O.P. Verma vide order dated 10.11.1994, but the changed officer never appeared for the inquiry proceedings. To substantiate the fact, learned counsel has referred to inquiry proceedings

held on 10.11.1994 and 30.11.1994, where presence of R.S. Sihota has been recorded as the Presenting Officer. *Thirdly*, it has been submitted that as apparent from office order dated 19.09.1994, Joint Secretary, Government of Haryana, Department of Technical Education, was appointed Inquiry Officer to inquire into the charges against the petitioner as per chargesheet issued vide memo dated 27.07.1993. The said officer was promoted as Special Secretary to Government of Haryana in January, 1995, but he continued with inquiry proceedings. It was only vide order dated 08.05.1995, Annexure P-30, that the Government appointed Special Secretary, Department of Technical Education, as inquiry officer. Therefore, he had no authority to continue with the inquiry proceedings as the appointment was not by name. *Fourthly*, the contention is that vide order dated 23.02.1995, the inquiry proceedings were adjourned to 14.03.1995 for recording of defence evidence. This never happened, and the petitioner was never afforded an opportunity to lead evidence in defence. The proceedings were abruptly closed, and findings were recorded against the petitioner. This is a serious violation of the Principles of Natural Justice and has caused grave prejudice. No other argument was raised.

4. *Per contra*, learned State counsel contended that the inquiry proceedings were carried out strictly in accordance with the Principles of Natural Justice, and the petitioner was given due opportunity to defend himself. All the documents asked by him were also furnished. He had been deliberately avoiding service of notices by the Department as also the Inquiry Officer, and had also adopted tactics to delay the proceedings. These

facts are established on record, and he has made reference to the inquiry report in this regard.

5. Submissions made by learned counsel for the parties have been considered.

6. A perusal of the documents on record reveals that due process was followed in inquiring into the charges against the petitioner, and he was afforded proper opportunity to defend himself. After being issued the chargesheet dated 27.07.1993, the petitioner submitted his reply thereto dated 26.02.1994. The only objection he took against the chargesheet was that it did not contain the list of oral or documentary evidence which the Department wanted to reply upon; therefore, it was not possible for him to give a complete reply and defend himself. Nevertheless, the fact remains he participated in the inquiry proceedings and cross-examined the witnesses also. All the documents asked for by him were duly furnished, as recorded in the inquiry report itself which reads as under:

Sh. Anand Singh pleaded that he should have been given the copies of the documents relied upon by the govt. in the charge sheet before hand so that he could examine the documents for cross examination purposes. The Principal, Govt. Polytechnic, Jhajjar has been asked to give copies of the documents regarding the remaining charges no. 3,4,5 & 6 in 2-3 days time. Sh. Anand Singh who is present here will personally collect the copies in 3 days time from the Principal of the Govt. Polytechnic and these documents will not be separately sent to him by post or through any other messenger. It will be his own responsibility now to collect these documents. To facilitate proper conduct of enquiry as well as cross examination a few days time is allowed to elapse before the next date which is

now fixed as 10.10.94 in the office of the Principal, Govt. Polytechnic, Jhajjar at 11.30 A.M.

6.1. Further, it is wrong to state that the petitioner was not afforded opportunity to lead defence evidence; the assertion by learned counsel for the petitioner to that effect is contrary to the record. Despite having been provided a couple of opportunities to lead evidence, he failed to do so and absented himself without any justifiable reason. Resultantly, he was proceeded against *ex parte*. Reference can be made to the following observations in the inquiry report regarding inquiry proceedings dated 23.02.1995:

The departmental evidence in fact has already been completed on the insistence of Shri Anand Singh that Sh. D.S. Khosla was again called for recording his statements on various points today. Now, it is, therefore, for Shri Anand Singh to present his defence evidence. The onus to produce his defence witness and other evidence is on Shri Anand Singh himself, but his absence today seems to be only a dilatory move.

On 11.2.95 the Principal, Govt. Polytechnic, Jhajjar had through registered letter conveyed the directions of the Enquiry Officer to Sh. Anand Singh to produce his evidence on 23.2.95. Last opportunity is now therefore, granted to Sh. Anand Singh to produce his evidence and witness, if any, in his defence, now on 14.3.95. I have dictated and signed letter today here itself addressed to Shri Anand Singh for producing his evidence on 14.3.95 positively failing which the defence/evidence will be closed. This letter be sent through registered post from Jhajjar Post Office itself. The postal expenditure, however, will be met with by the Principal, Govt. Polytechnic, Jhajjar.

The Principal, Jhajjar as a token of proof has produced an attested copy of the letter dated 11.2.95 addressed to Shri

Anand Singh asking him, on the directions of T.O. to appear today i.e. 23.2.95 and also to produce the defence evidence. This attested copy of the letter dated 11.2.95 has been retained on record as a proof of correspondence addressed to Sh. Anand Singh.

Now to come up again on 14.3.95 for defence evidence.

Sd/-
R.P. Sharma
I.O.
23.02.95
(Camp:Jhajjar)

6.2. On 14.03.1995, the inquiry proceedings could not be held and were adjourned to 19.04.1995, for the petitioner to produce defence witnesses but he remained absent. The proceedings were thereafter adjourned to 25.04.1995, still he remained absent and was proceeded against *ex parte*. The facts in this regard have been mentioned in the written statement, which remain unrebutted. It reads as under:

14. In reply to para 14 of Civil Writ Petition, it is submitted that due to business in Vidhan Sabha session, the inquiry officer could not go to Jhajjar on 14.3.95. The next date of hearing was fixed as 25.4.95, on which the petitioner was required to produce the defence witnesses at Jhajjar. Earlier the date of 19.4.95, as the next date of hearing, was conveyed on phone to the Principal, Government Polytechnic, Jhajjar. The petitioner admitted vide Annexure P-17, that he had received the letter for the inquiry fixed for 25.4.95.

15. That the contents of para 15 are wrong and hence denied. The proceedings of the inquiry for the date 25.4.95 are reproduced as under:

*"The presenting officer Sh. Verma is present at Jhajjar.
The Principal, Government Polytechnic has informed and the*

presenting officer has produced a copy of the letter sent by the Principal to Sh. Anand Singh intimating to him that inquiry is now fixed for 25.4.95 - today. This letter was sent by the Principal to Sh. Anand Singh through registered post. Postal receipt and the copy of this letter sent by the Principal to Sh. Anand Singh has been brought on record by the presenting officer for lawful proof purposes. Sh. Anand Singh has not attended and joined the enquiry till 11.30 a.m. and then (after waiting) 12.00 noon. It seems that Sh. Anand Singh is purposely dilly-dallying and adopting delaying tactics for reason best known to him. He has not cared to be present during the inquiry proceedings at the fixed time and date and sends references from Jhajjar by post in order to create evidence. This does not seem to be the bona-fide act. No intimation whatsoever has been received. Sh. Anand Singh today also and even on earlier two occasions explaining his absence from inquiry or giving out any reason why he has not been associating himself with the enquiry abruptly from a certain stage. He was duly informed through registered letters sent by the Principal at his permanent home address. I feel no useful purpose will be served in lingering on the enquiry particularly when he has suddenly disassociated himself from the enquiry proceedings. He was to produce the defence version and evidence because the departmental evidence is since over and he was given fully long and enough opportunities to cross-examine all the departmental witnesses. If the I.O and the presenting officer could come all the way from the Chandigarh, this seems only intentional and un-explained act of willful absence from inquiry proceedings that he has not joined them while his permanent address is a nearby Village/ Town. In these circumstances, I feel there is no option and way out now except to proceed ex-parte against Sh. Anand Singh. Therefore, seeing the totality of facts, it seems that there is no likely hood of his joining the proceedings and

this goes to rather prove his nature and habit of absenting himself from duties also. The presenting officer has informed that even in one vigilance inquiry he suddenly absented himself in the same way he has adopted here. Separately, detailed findings will be now prepared and submitted to the government. The enquiry now stands closed here at this stage."

The inquiry into the charges levelled against the petitioner vide No. 59/2/88 - 1TE dated 27.7.93 (Annexure P-6) under Rule 7 of Punishment & Appeal Rules, 1987, for which Sh. R.P. Sharma was appointed as inquiry officer by the government vide no. 59/2/88 - 1TE dated 3.10.94 (Annexure P-11 modified vide Annexure P-14), was complete on 25.4.95.

6.3 Also, there is no substance in the other submissions by the learned counsel for the petitioner that the Presenting Officer O.P. Verma did not appear for the Department. Merely because the inquiry proceedings on two dates of hearing, i.e., 10.11.1994 and 30.11.1994, record the presence of R.S. Sihota as Presenting Officer, it does not establish that during the entire proceedings he acted as Presenting Officer instead of O.P. Verma. Besides, it has not been pointed out that the petitioner ever raised any objection regarding O.P. Verma not discharging his duties as Presenting Officer for the Department during the inquiry. Therefore, the plea cannot be allowed to be raised at this stage. Further, the submission regarding appointment of Joint Secretary being the Inquiry Officer, and not the Special Secretary, is also without substance. The fact remains that pursuant to the appointment of Joint Secretary, Department of Technical Education, as Inquiry Officer vide office order dated 19.09.1994/03.10.1994, the said officer, namely R.P. Sharma, conducted the inquiry proceedings. After his promotion as Special

Secretary in the Department in January, 1995, the Government issued office order dated 08.05.1995, again appointing him as Inquiry Officer with respect to the chargesheet dated 27.07.1993. The order was issued in partial modification of the earlier order dated 19.09.1994/03.10.1994. Accordingly, continuity was provided as the same Inquiry Officer was asked to conduct the inquiry. Continuance of inquiry by the Officer from January to May 1995, though his designation had been changed in the meanwhile, would not vitiate the proceedings as the petitioner failed to show any prejudice on this account; nor did he ever object to it at any stage.

7. In view of the reasons aforementioned, this Court has no hesitation in concluding that there is no illegality or irregularity of procedure so far as the conduct of disciplinary inquiry and passing of the order of dismissal are concerned. Accordingly, finding no merit in the petition, it stands dismissed.

8. Pending application(s), if any, shall also stand disposed of.

February 02, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*