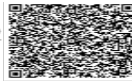


**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****141****CWP-19291-2026 (O&M)****Date of decision: 01.07.2026****Bharat Bias @ Bharat Vyas****...Petitioner(s)****Vs.****State of Haryana through Additional Chief Secretary,
Food Civil Supplies & Consumer Affairs Department,
Haryana, Civil Secretariat, Chandigarh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Khushboo, Advocate for
Mr. Pardeep Sharma, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Writ Petition under Article 226/227 of the Constitution of India has been filed by the petitioner for issuance of a writ in the nature of certiorari to quash and set aside the impugned Charge-sheet dated 27.09.2024, (Annexure P-9) being illegal and arbitrary; **AND/OR** for issuance of a Writ in the nature of Mandamus directing the Respondents to drop all consequential disciplinary proceedings and accord equal treatment to the Petitioner under Article 14 of the Constitution of India; **AND/OR** further prayed that during the pendency of the present writ petition the operation of memorandum/charge sheet dated 27.09.2024 (Annexure P-9) be stayed; **AND/OR** further prayed for directing the respondents to decide the legal



notice dated 07.07.2025 (Annexure P-14) within time bound manner, in the interest of justice.

2. Brief facts of the case in chronological order are as follows: -

15.06.2007: The petitioner was appointed as Clerk in the respondent-Food and Supplies Department, Haryana vide order dated 15.06.2007 (Annexure P-1).

13.01.2022: Thereafter, vide order dated 13.01.2022 (Annexure P-2), petitioner was posted as Auditor/Accountant in the office of District Food and Supplies Controller, Kurukshetra.

23.06.2022: Vide order dated 23.06.2022 (Annexure P-3), petitioner was promoted as Superintendent.

28.06.2022: Vide order dated 28.06.2022, petitioner was relieved from his duties at Kurukshetra to enable him to join his new place of posting i.e. Faridabad.

27.01.2023: Vide order dated 27.01.2023 (Annexure P-7), passed by this Court in Arbitration Case bearing ARB-318-2019, costs of Rs.10,000/- had been imposed upon the respondent-Department as it had failed to file reply in the said case.

28.02.2023: Vide order dated 28.02.2023 (Annexure P-8), costs of Rs.5,000/- was again imposed as State Government had sought further time to file reply.

27.09.2024: Vide the impugned Charge-sheet dated 27.09.2024 (Annexure P-9), following statement of allegations have been levelled against the petitioner:-



“Shri Bharat Vyas, while working as Accountant in the office of District Food and Supplies Controller, Kurukshetra from 13.01.2022 to 28.08.2022, committed the following mistakes-

That as per the office records, M/s Sain Dass Rice Mill has filed a case ARB 318-2019 against State of Haryana in the Hon'ble Punjab and Haryana High Court for appointment of Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. In which you were required to file a reply in the Hon'ble Punjab and Haryana High Court in respect of the said case. However, during your tenure in the said post, the reply in respect of the said case was not filed in the Hon'ble Punjab and Haryana High Court in respect of the Said case in time. Due to non-filing of reply in the said case in time, the Hon'ble Punjab and Haryana High Court imposed a cost of Rs. 10,000/- and Rs. 5000/- respectively on the department by interim orders dated 27th January, 2023 and 28th February, 2023 respectively. It is clear from the above that if you had filed a timely reply in the Hon'ble Punjab and Haryana High Court in the above case, the department would not have faced the above problem nor would the department have incurred the above costs. However, you did not do so. By not filing a timely reply in the above case, you tarnished the image of the government/department, committed gross negligence in your duties, and showed yourself to be an irresponsible and careless officer, for which you are responsible.

Thus, by taking the aforesaid action, you, i.e. Shri Bharat Vyas, have violated clauses (1) (ii) and (iv) of sub-rule (1) of the Haryana Civil Services (Conduct of Government Servants) Rules 4.

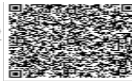


The above irregularities constitute serious misconduct on the part of you, i.e. Shri Bharat Vyas, the then Accountant, Office of the District Food & Supplies Controller, Kurukshetra (now Superintendent, District Food & Supplies Controller, Faridabad), for which you are made liable for strict disciplinary action under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016.”

3. Hence, present Writ Petition.

4. It is *inter alia* submitted by learned counsel for the petitioner that Arbitration Case No. ARB-318-2019 titled M/s. Sai Dass Rice Mill vs. State of Haryana was instituted in the year 2019 which was much prior to the petitioner's joining office at Kurukshetra. It is submitted that in the said case, last effective hearing was held on 13.03.2020 which is prior to the petitioner's positing. In fact, during the petitioner's tenure at Kurukshetra from 13.01.2022 to 28.06.2022, the said Arbitration Case was never listed for hearing nor any fresh notices or summons were received. Thus, no delay was attributable to the petitioner during his tenure. Moreover, there is no document showing that case file was ever entrusted to the petitioner or that he was specifically assigned the responsibility of filing the reply before this Court.

5. It is further submitted that even otherwise, petitioner had made repeated requests to Smt. Nirmala Devi, Clerk to handover the relevant records and files to him, however she had failed to do the needful and had rather behaved in a threatening and abusive manner against the petitioner. Accordingly, petitioner had submitted a written



complaint dated 28.01.2022 (Annexure P-4) to the competent authorities regarding her misconduct and non-cooperation but no action has been taken thereupon.

6. It is further submitted by learned counsel for the petitioner that vide department orders dated 19.04.2024, 08.05.2024 and 28.10.2025 (Annexure P-11 colly), the department had already ordered to quash the disciplinary proceedings against other officials/members namely Smt. Nirmala Devi, Sh. Hansraj and Sh. Gaurav Sharma who were also issued charge-sheeted in relation to the very same order and same identical alleged negligence on the part of the other officials for not filing the reply in this Court in Arbitration Case No. ARB-318 of 2019 titled M/s Sai Dass Rice Mill vs. State of Haryana. It is contended that, therefore, the impugned charge-sheet dated 27.09.2024 is liable to be quashed on the ground of hostile discrimination and violation of Article 14 of the Constitution of India, as the Respondents have adopted a selective and biased approach against the Petitioner. Furthermore, the Petitioner's own department, via its official communication dated 10.03.2025, has categorically clarified and confirmed that the Petitioner is not guilty of any negligence or fault. Despite this clear exoneration and the fact that similarly situated officials have been let off, the Respondents are arbitrarily continuing the proceedings against the Petitioner alone. Such an action is completely discriminatory, unjust, and unsustainable in the eyes of law.



7. Hence, it is accordingly prayed that the present Writ Petition be allowed; and the impugned charge-sheet dated 27.09.2024 (Annexure P-9) be set aside.

8. No other argument is raised on behalf of learned counsel for the petitioner. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

9. First and foremost, the present writ petition is not maintainable being barred by principal of res judicata. Perusal of the record shows that petitioner had previously also challenged the present impugned charge-sheet dated 27.9.2024, by way of **CWP-30765-2025** titled as **Bharat Bias vs. State of Haryana and others**; which was dismissed as withdrawn vide order dated 16.10.2025 (Annexure P-15) without liberty to the petitioner to file afresh on the same cause of action. The said order dated 16.10.2025 reads as under:-

“1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the memorandum/chargesheet dated 27.09.2024 (Annexure P-1) issued to the petitioner.

2. After arguing for some time, learned counsel for the petitioners prays for withdrawal of the present petition.

3. Allowed as prayed for.

4. Dismissed as withdrawn.”

10. Perusal of the order sheet of case No. ARB-318-2019 reveals that initially, the case was not taken upon regular basis due to Corona.



The record further reveals that petitioner has filed reply dated 20.11.2024 (Annexure P-10) to the charge-sheet wherein the defence taken therein by the petitioner was that M/s. Nirmala Devi, Clerk at Kurukshetra, who had previously worked for the petitioner, had not handed over charge to the petitioner nor was petitioner informed about filing a reply in the said case. Thus, petitioner has taken contradictory pleas *in-as-much* as on the one hand, petitioner has submitted that he was not aware that reply had to be filed in Arbitration case; whereas on the other hand, he has submitted that despite repeated requests, relevant records and files were not handed over to him by Smt. Nirmala Devi, Clerk.

11. Moreover, petitioner was posted as Superintendent at Kurukshetra from 13.01.2022 to 28.06.2022. Being Superintendent, petitioner was incharge of all the affairs of the respondent/Department including the litigation pending before the Courts.

12. Even otherwise, this Court under Article 226/227 can only interfere in disciplinary proceedings if gross violation of the principles of natural justice is established or there is no evidence to support the charges against the employees. It is settled law that this Court may exercise its powers under Article 226 of the Constitution of India only if manifest prejudice and arbitrariness is made out against the impugned action. Nothing to this effect has been shown by the petitioner. Even further enquiry against the petitioner in the present case is at nascent stage.

13. Hence, the present Civil Writ Petition stands **dismissed**.
14. However, nothing stated hereinabove shall be construed to
be an opinion on the merits of the matter.
15. Pending application(s) if any also stand(s) disposed of.