



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

CWP-25401-2024

Date of Decision: 18.02.2025

Tikam Singh

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms. Dimple Jain, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition filed under Articles 226 and 227 of the Constitution of India is seeking direction to respondent to quash final inquiry report dated 18.03.2024 (Annexure P-8) as well as impugned charge sheet dated 10.01.2024 (Annexure P-7).

2. On 11.02.2024, the following order was passed:-

“The petitioner is seeking setting aside of inquiry report dated 18.03.2024 (Annexure P-8) on the ground that Inquiry Officer had proceeded ex parte despite the fact that he had already approached this Court and notice regarding stay was issued. The petitioner was requesting the respondent to keep the proceedings pending till the pendency of petition before this Court, however, respondent proceeded ex parte and concluded the inquiry. The grievance of the petitioner would be redressed if three witnesses namely Anuj Kumar, Vinit Bisla and Pradeep Kumar are permitted to be cross-examined. He would not seek adjournment and complete cross-examination as soon as witnesses are made available.



Learned State counsel seeks time to get instructions.

Adjourned to 18.02.2025.

To be shown in the Urgent List.”

3. Ms. Dimple Jain, DAG, Haryana submits that despite opportunities, the petitioner did not come forward to join proceedings. Thus, Inquiry Officer was bound to proceed *ex parte*. Out of three witnesses named by petitioner, prosecution has examined only Vinit Bisla as PW-10. The cross examination of Vinit Bisla at this belated stage would not be in the interest of justice and create undue benefit to petitioner.

4. From the perusal of record, it is evident that petitioner approached this Court assailing proceedings initiated by Inquiry Officer in July' 2023 by way of CWP-16232-2023. Notice of motion as well as notice re:stay was issued on 31.07.2023. The petitioner was proceeded *ex parte* on 29.11.2023. The petitioner requested respondent to keep the proceedings in abeyance during the pendency of aforesaid petition, however, respondent proceeded with the inquiry on the ground that there is no stay. The petitioner was issued notices to join proceedings, however, he did not join on account of pending writ petition.

5. The petitioner wants to cross examine three witnesses, however, as submitted by learned State counsel, it is only Vinit Bisla who was examined as PW-10. It would be in the interest of justice, especially in view of notice of motion as well as notice re:stay issued by this Court in CWP-16232-2023, to direct the Inquiry Officer to permit the petitioner to cross examine Vinit Bisla as PW-10. The petitioner would complete his cross examination as far as possible within one day and in any case would not stretch beyond two days. The Inquiry Officer will submit his report *qua* outcome of cross examination which would be in addition to his earlier report. The Disciplinary Authority would also consider additional report of the Inquiry Officer while passing order consequent



to show cause notice.

6. Disposed of in above terms.

18.02.2025

shivani

Whether reasoned/speaking

Whether reportable

Yes

No

(JAGMOHAN BANSAL)
JUDGE