

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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COCP-4-2025 (O&M)

Date of Decision: 10.09.2025

Rakesh Kumar

.... Petitioner

Versus

Ashok Khemka and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

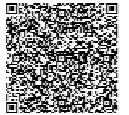
Present: - Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Priyavrat Parashar, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

1. Present contempt petition has been filed alleging violation of order dated 08.08.2023 (Annexure P-1) passed in CWP-27157-2019 titled as 'Rakesh Kumar vs. State of Haryana and others', whereby, order of recovery dated 29.8.2019 passed against the petitioner was set aside; keeping in view the judgment of the Hon'ble Supreme Court in Civil Appeal No. 9417 of 2019 titled as *M/s Daffodills Pharmaceuticals Ltd. and another vs. State of U.P. and another, 2019(12) JT 283, decided on 13.12.2019*, wherein it is held that '*any order passed by the authority concerned causes prejudice to an employee, especially financial liability, an opportunity of hearing is must and no order causing prejudice to an employee can be passed by an employer unilaterally and the employee has to be given opportunity to defend himself/herself against any proposed action which causes prejudice to the said employee*'.

2. Learned counsel for the petitioner submits that in violation of the said directions, the respondents have again initiated an enquiry against



the petitioner seeking refund of ₹2,72,240/- on the ground that as per Audit Party which had audited the records w.e.f. 01.04.2017 to 31.03.2018, certain discrepancies were found in the deposit of the tax collected amounting to less deposit of ₹21,61,581/-; of which the petitioner was found to have deposited less amount of ₹2,72,240/-. Learned counsel submits that when the petitioner was called for personal hearing on 04.11.2024, the petitioner had sought documents from the respondent-Authorities. The Enquiry Officer told the concerned Officer to provide the said documents to the petitioner; however, no such documents were given to the petitioner. The petitioner had even written to the Enquiry Officer vide letter dated 04.11.2024 (Annexure P-13) to provide the copies of the documents. However, the same were not provided; and vide enquiry report dated 12.11.2024 (Annexure P-16), the petitioner has been held liable to pay amount of ₹2,72,240/-. Learned counsel submits that thus, the said enquiry report is in violation of the order dated 08.08.2023 (Annexure P-1), inasmuch as, no charge-sheet has been filed against the petitioner; no opportunity to lead any evidence has been granted; and no documents were provided to the petitioner.

3. *Per Contra*, learned counsel for the respondents refers to the reply dated 15.05.2025 filed by way of affidavit of Sh. Sushil Kumar, DTO-cum-Secretary, Regional Transport Authority, Ambala and submits that in actual fact the enquiry report is dated 09.11.2024 (Annexure R-1), in which it is categorically recorded as follows:-

“...Details of records/documents desired by Shri Rakesh Kumar, Assistant Secretary:-

“With reference to your office letter No. 54352/DTC, dated 0911/24 28.10.2024, you are requested that I took over the



charge of Cash Branch seat in the office of District Transport Officer and Secretary, Regional Transport Authority, Ambala on 17.05.2017. Please provide me the following documents for the said inquiry:-

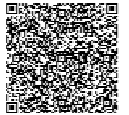
- 1. Photocopies of DCR of TCP and DCR of office of the day on which TCP cash of Rs. 2,32,091/- was deposited less should be provided.*
- 2. Who received the cash on the day on which TCP cash was deposited less because apart from me Mr. Gyan Chand TSI and Computer Operator were also present in the cash branch.*
- 3. A copy of the order of TCP employees on the day on which TCP cash was deposited less should be provided.*
- 4. Copy of audit report.”*

Keeping in mind the request made by the above two employees, by office letter No. 54776 / DTC, dated 04.11.2024, the District Transport Officer and Secretary, Regional Transport Authority, Ambala were directed to get the complete record related to the case inspected by the said two employees on 05.11.2024 and provide the desired record to them.

In addition, the District Transport Officer and Secretary, Regional Transport Authority, Ambala were also directed that after providing the record to the said employees, they should also send their comments to the undersigned. In reference to the above, the District Transport Officer and Secretary, Regional Transport Authority, Ambala vide their letter No. 2535/RTA, dated 06.11.2024, sent their comments to the undersigned as follows:-

“In reference to your office letter No. 54776/DTC, dated 04.11.2024 on the above subject.

The undersigned called Shri Rakesh Kumar, Assistant Secretary, Office of RTA, Faridabad and Shri Gyan Chand,



Transport Sub-Inspector (Retired) to the office of the undersigned on 05.11.2024 to provide the desired documents /records and showed them the record of DCR and provided a copy of TCP (Internal Audit & Inspection Interim Report for the financial Year 2017-2018) (01.04.2017 to 31.03.2018). Both of them refused to take the copy of DCR.”

4. It is submitted that accordingly, all the documents sought by the petitioner were duly provided to him.

5. Ld. counsel for the petitioner still insists that copies of the documents have not been supplied to him, however, is unable to controvert the averments made in the enquiry report reproduced above as well as in the aforesaid reply dated 15.05.2025 filed by the respondents. Even no rejoinder has been filed by the petitioner.

6. Heard.

7. Thus, in view of the facts noticed above, no further direction is required to be passed; and the present petition stands **dismissed**.

8. Rule stands discharged.

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

10.09.2025

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No