

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

105

CWP-937-2024

Date of Decision : April 21, 2025

SANJAY KUMAR

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Jitender Sehrawat, Advocate for
Mr. Zorawar Singh Chauhan, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Puneet Jindal, Sr. Advocate with
Mr. Vivek Saini, Advocate and
Mr. Rahul Bansal, Advocate
for the respondents No.2, 4, 5 and 7.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, prayer is made for setting aside the order dated 31.08.2023 passed by the respondent No.7, whereby, proposal is made for initiating action against the petitioner for obtaining appointment in violation of the apposite policy.

2. On 06.03.2024, the Co-ordinate Bench of this Court, while taking into account the gravity of the matter, the approach adopted by the department concerned and apprehending the present case to be only the tip of an iceberg, referred the matter to the Vigilance Haryana for conducting preliminary inquiry and for submitting a report as to in how many cases, multiple appointments in a family have been issued by the department concerned in violation of the policy.

3. In deference to the directions (supra), an inquiry was conducted by the Superintendent of Police, Anti Corruption Bureau, Panchkula and preliminary inquiry report was also furnished before this Court. Considering this report, this Court directed the department concerned to take appropriate action as per the report. However, when no appropriate action was taken, this Court passed specific directions upon the Chief Secretary to the Government of Haryana to personally look into the matter and to place on record the action taken report in this regard. The relevant portion of the order dated 05.03.2025, wherein became enclosed the directions (supra), is reproduced hereunder:-

“3. The status report, as filed by the learned State counsel, voiced that, out of total 135 cases, which is the total number of land oustees whose land acquired was equal to or more than two acres, 22 are such families/land oustees who did not apply for employment/appointment, and, 09 are such cases wherein employment was not given owing to some court case or other reasons. Out of the remaining 104 cases, wherein employment/appointment was offered, one candidate Toyab did not join and requested for cancellation of offer letter, and, 83 are such cases wherein one family member got employment as per the terms prescribed in the apposite policy, and, 06 cases are such wherein two members of the same family have got employment, and, 08 cases are such wherein relationship of the candidate with the land oustee is not expressly mentioned in the ‘relations’ specified in the policy.

4. Considering the revelations made in the status report (supra), this Court directed the department concerned to take appropriate action for taking the inquiry to a logical end, however, despite granting couple of hearings, the department initially came up with an excuse of constituting a committee and seeking assistance of the Deputy Commissioner concerned, however, now it appears that the conduct of the department itself is under scrutiny, hence

there is no likelihood of a proper departmental inquiry being conducted.

5. In summa, it appears that a criminal probe is prima facie imperative in the case at hand. Therefore, the Chief Secretary to the Government of Haryana is directed to personally look into the matter, and thereupon, place on record the action taken report in this regard, on his personal affidavit. This exercise shall be completed within three weeks from today.”

4. In deference to the directions (supra), today the learned State counsel has filed the affidavit of Mr. Anurag Rastogi, Chief Secretary to Government of Haryana, which is taken on record. Copy of this affidavit has also been supplied to the learned counsel for the petitioner.

5. What emerges from perusal of the affidavit (supra) is that, on 13.03.2025, show cause notices were issued to nine candidates, thereby asking them to file reply as to why their services should not be dispensed with, on account of theirs obtaining employment in violation of the apposite policy. Finally, the services of four persons were dispensed with. Moreover, the Anti Corruption Bureau has also been directed to conduct a criminal probe into the matter. The relevant paragraphs of the affidavit (supra) are reproduced hereunder:-

“3. That keeping in view the interim report of ACB, show cause notices have been issued on 13.03.2025 to 9 candidates namely Sh. Harminder Singh, Sh. Raj Kumar, Sh. Sandeep Kumar, Sh. Sohit Kumar, Smt. Sapna Gill, Sh. Sauabh Narwal, Smt. Rimpay Chahal, Sh. Mool Raj and Smt. Kanta Devi as to why their services should not be dispensed with on the ground that employment has been provided to two members of their family which is not permissible under the policy. All of them submitted their replies on different dates and competent authority, the Chief Engineer, HPGCL provided an opportunity of hearing to all these candidates. Consequent thereto, the Chief Engineer, Administration, HPGCL

dispensed with the services of Sandeep Kumar and Rimpay Chahal vide order dated 08.04.2025. Similarly, Chief Engineer, Thermal Power Plant, Yamuna Nagar dispensed with the services of Kanta Devi vide order dated 08.04.2025. The Chief Engineer, (Admn) UHBVN vide order dated 11.04.2025 dispensed with services of Sohit Kumar. A copy of orders dated 08.04.2025 passed by the Chief Engineer (Admn) HPGCL and dated 11.04.2025 passed by the Chief Engineer (Admn) UHBVN are annexed herewith as Annexure-R/1 and Annexure-R/2. Further, a copy of order dated 08.04.2025 passed by the Chief Engineer, Thermal Power Plant, Yamuna Nagar is annexed herewith as Annexure-R/3.

4. That in respect of one another candidate namely Harinder Singh who was given show cause notice has submitted in his reply that earlier he alongwith his brother Saravjeet Singh were given appointment on 17.08.2014 and later his brother Sh. Saravjeet Singh died on 17.05.2020, therefore, he has requested to the authorities to allow him to continue in the employment being sole bread earner of the family. Accordingly, he has been allowed to continue by the competent authority. A copy of speaking order dated 08.04.2025 passed by the Chief Engineer (Admn) HPGCL is already annexed as R/1. As Saravjeet has already died, therefore, show cause notice could not be issued to him.

5. That so far as 6th family is concerned, it is submitted that offer of appointment was made to Smt. Shikha and Akash, both sister and brother. However, only Shikha has joined the services on 17.08.2014 and whereas Akash did not join the service as he was doing B. Tech at that time. After completion of B.Tech he had made a request on 24.08.2015 to allow him to join on a Technical Post. The said request was under consideration but in the meanwhile he filed a CWP No. 16736 of 2017 titled as Akash Goyal Vs. State of Haryana and others praying therein to allow him appointment on a Technical Post. The said petition was disposed of by the Hon'ble High Court vide order dated 23.02.2023 directing the HPGCL to consider the request of the petitioner within a period of two months. The HPGCL filed a Review Petition No. RA-CW-191-2023 stating therein that his real sister has already been given appointment in

lieu of acquisition of land of their family. Consequently, the Hon'ble High court vide order dated 23.02.2023 dismissed the petition as withdrawn. Therefore, his offer of appointment issued on 17.08.2014 has been withdrawn by the Chief Engineer (Admn) HPGCL vide order dated 08.04.2025 (copy already enclosed as Annexure-R/ 1).

6. That it is also pertinent to mention here that the father of Sh. Akash has filed the present petition, which is pending adjudication before this Hon'ble Court, and is fixed for hearing on 21.04.2025, wherein this Hon'ble Court has issued the interim directions on 05.03.2025 to the deponent to file affidavit.

7. That it is further submitted that the deponent after examining the whole matter and keeping in view the directions passed by this Hon'ble Court on 05.03.2025, the deponent has already directed to the Anti Corruption Bureau vide letter dated 03.04.2025 to conduct a criminal probe into the matter to ascertain how and under what circumstances multiple members of the same family applied for and secured Government Jobs in six identified cases and to submit report by 10th April positively. However, finding no response from the ACB a reminder has been issued on 11.04.2025 with a request to send the requisite report immediately. A copy of letter dated 03.04.2025 and 11.04.2025 are annexed as Annexure-R/4 and Annexure-R/5. It is further submitted that ACB vide letter dated 16.04.2025 informed that ACB has already submitted the inquiry report in this matter before this Hon'ble Court vide affidavit dated 19.07.2024. However, a perusal of said report reveals that the ACB has not conducted the said inquiry from the angle of criminal intent. Therefore, the ACB has been directed vide letter dated 18.04.2025 to conduct a criminal probe in the matter and submitted its report within a week.”

6. The learned State counsel has also informed this Court that, now FIR No.03 dated 18.04.2025, under Sections 120-B, 420 of the IPC, and, Sections 13(2), 13(1)d of the Prevention of Corruption Act, 1988, has also been registered.

7. The supervening events (supra) reveal that apt action has

already been taken in the matter, hence no further direction is required to be passed. Moreover, the learned counsel for the petitioner also submits that, he does not want to press the prayer made in the present writ petition. Consequently, the present writ petition is closed.

8. Disposed of accordingly.

April 21, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No