

(2013) 08 P&H CK 0928
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 3531 of 2012

Smt. Shashi Bala

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 23-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0928

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Naresh Kaushik, for the Appellant; Sudeepti Sharma, D.A.G., Punjab and Mr. Munish Gupta, Advocate for Respondents No. 5 and 6, for the Respondent

Final Decision : Disposed Off

Judgement

Tejinder Singh Dhindsa, J.—The petitioner, who is serving on the post of Hindi Mistress under the Punjab State Education Department, has approached this Court raising a two fold claim. In the first instance, petitioner has prayed that the enquiry that has been initiated against her on the basis of alleged false and frivolous complaint filed by respondent No. 5, be marked to an Enquiry Officer other than respondent No. 4. Towards such prayer, pleadings have been made that respondent No. 4 namely Amrik Singh, District Education Officer (Primary), Hoshiarpur is inimical towards her. The second limb of the argument is that the petitioner is being denied a fair opportunity to defend herself in as much as the information and documents sought by the petitioner towards her defence have not been supplied to her. Upon notice of motion having been issued, a reply on behalf of respondent Nos. 1 to 4 has been filed. Appended along with the reply, is an order dated 08.02.2013 at Annexure-R-1/T, whereby the first prayer of the petitioner has been acceded to and the Enquiry/Investigation Officer has been changed and now the enquiry has been entrusted to Smt. Neelam Kumari, District Education Officer (Secondary Education), Jalandhar.

2. As regards the second prayer made in the writ petition, I find the same to be absolutely fair and reasonable. Any employee/delinquent against whom an

enquiry has been marked, has to be afforded an opportunity to inspect and to have access to the relevant documents, which are a subject matter of the enquiry/ investigation.

3. Accordingly, in the light of the fact that the Enquiry Officer has already been changed vide order dated 08.02.2013 (Annexure-R-1/T), the writ petition is disposed of as having been rendered infructuous. However, liberty is granted to the petitioner to submit a list of the documents to the Enquiry Officer within a period of two weeks. Such list shall also furnish the relevance of such documents in relation to the enquiry that has been marked against the petitioner. Such claim and demand, if any, raised by the petitioner shall be considered by the Enquiry Officer and would be dealt with strictly in accordance with law and in the light of principles of natural justice.

4. Writ petition disposed of. Needless to observe that the interim order dated 27.02.2012 passed by this Court while issuing notice of motion, shall stand vacated.