

**AARSTUNI @ ARASTUNI
VS
STATE OF HARYANA AND OTHERS**

Present:- Mr. Vikram Singh, Advocate
for the petitioners.

Present petition has been filed under Articles 226/227 of Constitution of India for issuance of a writ in the nature of certiorari for setting aside the Letter dated 15.05.2023 (Annexure P-4) vide which respondent No.6 has been directed to register the FIR without following the due procedure of law and further setting aside the second inquiry dated 14.03.2023 (Annexure P-3).

It has been contended by learned counsel for the petitioner that on the same set of allegations, inquiry was initiated against the petitioner which was duly inquired into. However, on conclusion of the same, allegations were found to be false and it was concluded in the report that the allegations are not proved vide report dated 13.10.2022. He submits that thereafter without following the procedure under Section 53(5) of the Punjab Panchayati Raj Act, 1994, the second inquiry has been initiated against the petitioner on the same set of allegations. Learned counsel for the petitioner relies upon the decision rendered by this Court in “*Jagdish Chander Sarpanch vs. State of Haryana and others*”, 2013(4) RCR (Civil) 351. He submits that the impugned action by the respondents is totally unsustainable in the eyes of law.

Notice of motion.

On asking of the Court, Mr. Rajneesh Chadwal, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 6-State. He prays for some time to file reply.

In view of his request, case is adjourned to 11.01.2024.

Service upon respondent No.7 be effected for the date fixed.

In the meantime, operation of the impugned letter dated 15.05.2023 (Annexure P-4) and second enquiry dated 14.03.2023 (Annexure P-3) shall remain stayed till the next date of hearing.

(RAJESH BHARDWAJ)
JUDGE

21.07.2023
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