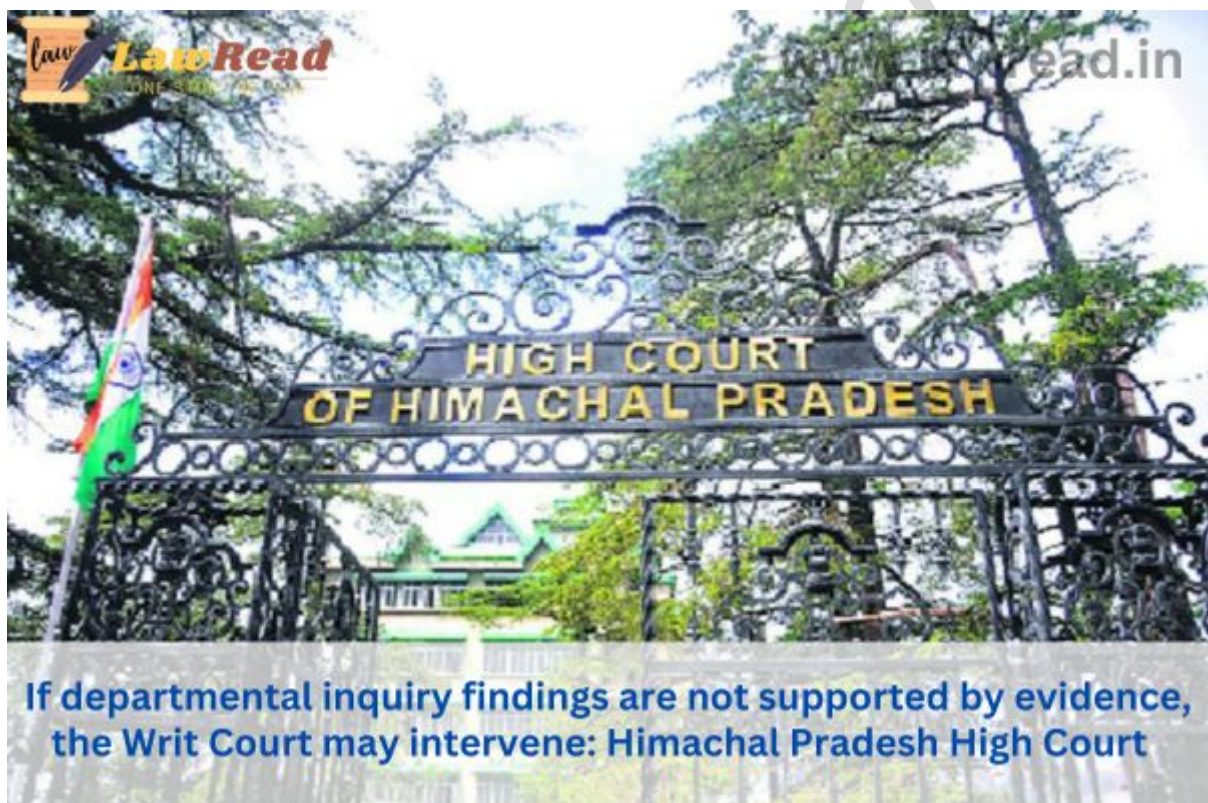


News

If departmental inquiry findings are not supported by evidence, the Writ Court may intervene: Himachal Pradesh High Court



The petitioner's suspension from the Directorate of Horticulture in Shimla was overturned by the Himachal Pradesh High Court.

The Himachal Pradesh High Court noted that, in the exercise of its power under Article 226 of the Indian Constitution, the Court may intervene in departmental investigations if the conclusions are erroneous or lacking supporting evidence.

The Petitioner filed a petition against the Administrative Tribunal's orders, which resulted in his suspension from his position as Superintendent Grade-II in the Directorate of Horticulture for criticizing the government and criticizing its policies and decisions in the media.

"Ex parte inquiry does not mean that the Inquiry Officer is free to return findings in favor of the Department without any evidence on record," noted the Division Bench, which was composed of **Justices Vivek Singh Thakur and Ranjan Sharma**.

Advocates Balwinder Singh and Ajeet Kumar Saklan represented the Respondents, while **Senior Advocate Sanjeev Bhushan** defended the Petitioner.

A Brief Case

In violation of Rules 3 and 8 of the Central Civil Services (CCS) Conduct Rules, the petitioner, who was working as Superintendent Grade-II in the Directorate of Horticulture, was suspended by the Administrative Tribunal for criticizing the government and criticizing its policies and decisions in the media on a number of different topics. He was also told not to leave the headquarters without first getting the appropriate authority's approval.

The Petitioner argued that none of the witnesses the Department/Presenting Officer questioned had provided evidence to support the papers the Inquiry Officer used against the Petitioner. Newspaper clippings were used as circumstantial evidence against the petitioner.

The State argued that although though the petitioner was given the chance to state his case, he failed to show up before the inquiry officer, therefore the investigation was conducted ex parte, and as a result, the petitioner is no longer eligible for the relief he had sought.

The Court's Justification

The Bench believed that even if it was determined that the Petitioner did not associate, participate, or join the Inquiry, the Department, through the Presenting Officer, had to prove the articles of charges against the Petitioner by providing convincing and trustworthy evidence.

Even though the petitioner was tried ex parte during the inquiry process, he had already filed a defense contesting the accuracy and truth of the charges against him. *"It is not a case where the petitioner did not dispute and deny the charges leveled against him, but it is a case where there is a complete expressed denial of allegations leveled in Article of Charges framed against petitioner,"* the court stated, after he had denied the Article of Charges framed

against him even after receiving the Inquiry Report.

The Court further noted that in order to support the accusations made in the Article of Charges, it was the responsibility of the Authority, Presenting Officer, and Inquiry Officer to provide enough proof to support the papers that served as the foundation for the Article of Charges.

"In the current case, the Presenting Officer, concerned Authority, and Inquiry Officer have failed to fulfill their duties and adhere to the fundamental principle of Natural Justice as well as service jurisprudence," the Himachal Pradesh High Court ruled. Thus, it is justified to interfere in this matter by using the authority granted by Article 226 of the Indian Constitution.

The Court revoked the petitioner's suspension order as well as the inquiry's conclusions.

As a result, the Court granted the petition.

Title of Cause: State of H.P. & Ors. v. Vinod Kumar (Neutral Citation: 2025:HHC:18555)

Look:

Petitioners: Advocate Rajesh Kumar and Senior Advocate Sanjeev Bhushan Respondent: Deputy Advocate General Advocate Balwinder Singh on behalf of Respondents No. 1 and 2. For Respondents Nos. 3 and 4, Ajeet Kumar Saklani is the advocate.