

Dharub Kumar versus State of Himachal Pradesh and others

CWPOA No.582 of 2019

06.11.2025 Present: Mr. Sanjeev Bhushan Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.
Mr. Navlesh Verma, Additional Advocate General for the respondents-State.

Heard for some time.

2. Besides other contentions, Mr. Sanjeev Bhushan, Learned Senior Counsel for the petitioner has contended that the Inquiry Report was submitted to the disciplinary authority i.e. Superintendent of Police, Una on 03.01.2001. He further submits that the copy of the Inquiry Report was not furnished-supplied to the petitioner as per specific averments made in Para 15[O] of the writ petition to which no specific reply has been given in the Reply-Affidavit. It is further submitted that non furnishing of Inquiry Report has deprived the petitioner of the right to represent against the Inquiry Report which has not been afforded to the petitioner. He further submits that it is only after affording an opportunity to submit representation against the Inquiry Report, the second stage of issuing the order of proposed

penalty is to be undertaken. He further refers to the show cause notice dated 04.01.2011, [Annexure A-2], which has been issued proposing the penalty.

3. In this context, Learned Senior Counsel submits that there is total non-compliance of the mandate of law (i) in not furnishing the Inquiry Report; (ii) in not affording an opportunity to submit representation against the Inquiry Report; (iii) in not recording findings after considering the representation against the Inquiry Report; and (iv) the order dated 24.01.2001, [Annexure A-12], proposing penalty without complying with the earlier legal requirements as in (i) to (iii) has prejudiced the petitioner.

4. In these circumstances, let Supplementary Affidavit be filed by the respondents, supported by the documents within two weeks.

List the matter in the week commencing from 24th November, 2025.

6th November, 2025

(himani]

**(Ranjan Sharma)
Judge**