

WRIT OF PROHIBITION

IN THE HON'BLE HIGH COURT OF JUDICATURE AT _____

Writ Petition No _____ of _____ 20 _____

1. AA. son of _____ resident of _____ **....PETITIONER**

Versus

1. _____ (Government Company)

2. HR Department.

3. CEO of the Company

4. Mr. ____ (Head and Sales of Marketing) **.....RESPONDENT**

**PETITION UNDER ARTICLE 226 OF THE CONSTITUTION FOR THE ISSUE OF A
WRIT OF PROHIBITION.**

The above named Petitioner begs to submit as under:-

1. That, the Petitioner was appointed as the Sales Manager of a Government Company having its registered office in _____.
2. The Government Company is financed by the State of _____, and is a "State" under Article 12 of the Indian Constitution. Therefore, this petition against the Company is amenable before this Honble Court.
3. The Petitioner has served the Company as Junior Sales Manager for the period of 3 years before being promoted as the Sales Manager. The Petitioner has been a diligent employee of the Company since the date of his appointment.

4. That, on _____, while serving as a Sales Manager, he was served with a disciplinary notice stating his inefficiency in performance. A copy of the disciplinary notice is annexed as Annexure 1.
5. The enquiry into the said charges was made by the Head of Sales and Marketing of the Company. On the basis of the report of Respondent No. 4 which was send to the Respondent 2 and Respondent No. 3, a show cause notice dated _____ was sent to the Petitioner, stating why he should not be dismissed from service. A copy of the said show cause notice is annexed as Annexure-2.
6. That according to the Company Rules, the enquiry into the disciplinary charges is to be only made by the third party enquiry officer. The enquiry was made by a person not duly authorized to do so, i.e. Respondent No. 4.
7. The Petitioner contends on the basis of the following grounds:-
 - i. The procedure adopted by the Company in initiating disciplinary proceedings is against the Company's rules and regulations.
 - ii. The enquiry report of the Respondent No. 4 is not valid.
 - iii. The Respondent No. 4 does not have the jurisdiction to prepare an enquiry report as per the Company's Rules and Regulations.

PRAYER

It is therefore, most respectfully prayed that a writ direction or order in the nature of prohibition to the respondents be issued, prohibiting them from proceeding further with the disciplinary proceeding on the basis of the enquiry report of Respondent No. 4.