

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P. No. 6368 of 1993

Pronounced On : 24.04.2015

G. S. Brar Petitioner
vs.
Punjab & Sind Bank and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. I. P. Singh, Advocate
for the respondents.

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DEEPAK SIBAL, J. :

Shorn of unnecessary details, the facts in brevity, borne out from the record, as also from the submissions made at the bar, are that while the petitioner was serving the respondent Punjab and Sind Bank (hereinafter referred to as – the Bank), he was served with a charge-sheet for certain acts of omission and commission on his part. His reply to the charge-sheet, having been found to be unsatisfactory, he was subjected to a regular departmental inquiry, which did not find him guilty of the charges levelled

against him. However, vide order dated 07.05.1991 (Annexure P-4), the disciplinary authority, while disagreeing with some of the findings by the Inquiry Officer, imposed upon the petitioner a penalty of stoppage of two increments with cumulative effect.

On appeal preferred by the petitioner, the appellate authority, vide order dated 09.12.1991 (Annexure P-6), reduced the punishment to stoppage of one increment with cumulative effect.

The review petition filed by the petitioner, against the order of the appellate authority, was dismissed vide order dated 11.04.1992 (Annexure P-8) and this gave him a cause to approach this Court through the present writ petition challenging the order dated 07.05.1991, passed by the disciplinary authority (Annexure P-4), order dated 09.12.1991, passed by the appellate authority (Annexure P-6) and order dated 11.04.1992, through which the review petition filed by the petitioner had been dismissed (Annexure P-8).

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

It is not disputed before me that in the departmental inquiry held against the petitioner, none of the charges against him were proved, but in spite of that, the disciplinary authority, while disagreeing with some of the findings recorded by the Inquiry Officer, chose to punish the petitioner. It further is undisputed that before the punishment order dated 07.05.1991

(Annexure P-4) was passed by the disciplinary authority, neither a copy of

the inquiry report nor the reasons, for which the disciplinary authority disagreed with certain findings of the Inquiry Officer, which formed the basis of the punishment order, were served upon the petitioner. It is further admitted that before the order of punishment was passed, the petitioner was not served with any order/notice informing him about the proposed punishment.

The above action of the respondent Bank was in gross violation of principles of natural justice and greatly prejudiced the rights of the petitioner. That being so, as per the settled position of law, the punishment order dated 07.05.1991 (Annexure P-4), as also the subsequent orders, cannot stand scrutiny of the law. Hence, they are ordered to be quashed.

Now, the question remains that in the peculiar facts of this case, what relief can be granted to the petitioner ?

The punishment order dated 07.05.1991 was passed about 24 years ago and the present writ petition had been instituted before this Court about 22 years ago. I am informed that in the meanwhile, on 31.01.2001 i.e. over 14 years ago, the petitioner has superannuated. Though normally, I would have, after quashing the above said orders, relegated the matter to the disciplinary authority to proceed with the matter after making available to the petitioner a copy of inquiry report and its note of disagreement with the findings of the Inquiry Officer, if any, but in view of the fact that the punishment order was passed about 24 years ago, the writ petition had been instituted before this Court about 22 years ago and that the petitioner stands

retired from service over 14 years ago, I tend to balance the equities between the parties by directing that the punishment meted out to the petitioner by the appellate authority, which was stoppage of one increment with cumulative effect, be substituted with the punishment of stoppage of one increment without cumulative effect. According to me, this would meet the ends of justice.

The writ petition stands disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 24.04.2015
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