

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP- 5146 of 2000 (O&M)
Date of Decision : 27.05.2015**

Smt.Usha & others

..... Petitioners

vs.

Dakshin Haryana Bijli Vitran Nigam Ltd. & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ajay Chaudhary, Advocate and
Mr.Suresh Kumar Kaushik, Advocate
for the petitioners.

Ms. Promila Nain, Advocate
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Ajay Tewari, J.(Oral)

By this petition the original petitioner has challenged the order
(Annexure P-10) and the order passed in appeal (Annexure P-14).

The original petitioner was chargesheeted on 28.11.1994. For almost 4 years he was repeatedly asked to file reply to the charge-sheet but he did not bother to file any reply. The Inquiry Officer found him guilty, but after finding him guilty two mistakes have occurred. In the first place no show cause notice regarding proposed punishment was issued to him and secondly the Inquiry Officer himself imposed the punishment.

Learned counsel for the petitioners has challenged the entire proceedings. However in my view, as regards the finding of guilt, the same can not be faulted in view of the steadfast refusal of the original petitioner to file reply to the charge-sheet. In the circumstances, the finding of guilt must be sustained. That however would not mean that the petitioners are not

entitled to any relief. The order of punishment would have to be set aside on the twin grounds i.e. absence of notice and competence of the authority.

No other argument has been raised by the learned counsel for the petitioners.

In normal circumstances the matter would have been remanded back to the disciplinary authority for proceeding afresh from the stage of issuing notice for punishment as per the decision in “***Chairman-cum-Managing Director, Coal India Limited and others versus Ananta Saha and others, 2011(5) SCC 142***”. However in this interregnum the original petitioner died and now his L.R.'s on the record.

In the circumstances it has to be held that all proceedings against the original petitioner stand abated. Let the dues of the original petitioner be worked out and released to his L.R.s within a period of three months from the receipt of certified copy of this order.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 27, 2015

Pooja Sharma-I

(AJAY TEWARI)
JUDGE