

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

**CWP No.15850 of 2011
Decided on : 03.11.2015**

Dr.Surinder Singh Chaohan

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Sudhir Nar, Advocate, for the petitioner.

Mr.L.S.Virk, Addl.A.G., Punjab.

G.S. Sandhawalia , J. (Oral)

Challenge in the present writ petition is to the order dated 25.08.2010 (Annexure P4) whereby the stoppage of one increment, with cumulative effect, has been passed. The order reads as under:

“On being found absent during the checking made by the Director, Health and Family Welfare Punjab, Chandigarh on 12.12.2009 at P.H.C., Bhullar, District Gurdaspur, Dr.Surinder Singh Chauhan, S.M.O., was issued show cause notice under Rule 10 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970.

2. While considering the reply submitted by the concerned Doctor to the show cause notice unsatisfactory, the Doctor has been found guilty. In connection with this charge it has been decided to stop one annual increment of the Doctor without cumulative effect.

3. Therefore, one annual increment of Dr.Surinder Singh Chauhan, S.M.O. is stopped with cumulative effect.”

The petitioner was issued show cause notice under Rule 10 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, on account of the fact that on 12.12.2009, checking was done by the Director, Health & Family Welfare and the petitioner was found absent. Allegation was that he was coming on duty daily from his private residence at Hoshiarpur to Primary Health Centre, Bhullar (Block Headquarter) District Gurdaspur, where he was In-charge. Various officials were found absent and accordingly, the punishment was sought to be imposed vide the show cause notice dated 09.02.2010.

It is not disputed that a detailed reply was filed by the petitioner on 09.03.2010, explaining his absence. It was specifically pleaded that it was 2 p.m. when the Director was on tour and it was a Saturday and the office was closed. There were certain demands raised and outside works were done by him on Saturdays and he had gone to Jalandhar for purchasing materials along with Dr.Pooja Rampal, Medical Officer. Photocopy of the bill was also attached. The absence of the officials were also duly explained whereby it was mentioned that Dr.Nitika was transferred on 10.12.2009 and therefore, she could not be said to be absent, Dr.Balwinder Kaur was on casual leave and Dr.Gagan Sakuja was attending the emergency patients. The details of other officials who were also absent were also given. The bill dated 12.12.2009

of Jalandhar has also been appended as Annexure P3 in support of the petitioner's absence. These factors have not even been considered in the impugned order.

The basic requirement of reasoning for the defence raised has, thus, been violated. Thus, the impugned order dated 25.08.2010 (Annexure P4) cannot be held to be justified which is patently arbitrary on the face of it. The same is, accordingly, quashed.

Writ petition stands allowed, accordingly.

NOVEMBER 03, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE