

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

**CWP-15565-2013
Date of Decision : 21.09.2015**

Rakesh Kumar Arora

.... Petitioner

Versus

Punjab State Power Corporation Limited, Patiala and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S.Bajaj, Advocate
 for the petitioner.

 Mr. Parminder Singh-I, Advocate
 for the respondent.

LISA GILL, J.

Instant petition has been filed for quashing of order dated 08.10.2012 (Annexure P-6) passed by respondent No.1-Punjab State Power Corporation Limited, Patiala whereby petitioner's appeal against the order dated 22.12.2011 (Annexure P-4) passed by the Secretary, Technical-2, Punjab State Power Corporation Limited, Patiala-respondent No.2 imposing a cut of 10% in pension of the petitioner for 10 years has been dismissed.

Learned counsel for the petitioner submits that none of the grounds of appeal raised by the petitioner have been adverted to much less considered by respondent No.1.

Learned counsel for the respondent while referring to the written statement submits that the impugned order has been passed after

taking into consideration the gravity of charges levelled, punishment awarded and after going through the inquiry report submitted by inquiry officer.

Impugned order dated 08.10.2012 reads as under :-

“Whereas while deciding Charge Sheet No.21 dated 31.01.2008 against Er. Rakesh Kumar Arora, A.E.E./Retired (Code 6853) vide Officer Order No.717/D.8754/T-2/S-4 dated 22.12.11, order for a cut of 10% for ten years were issued against the officer.

Whereas the officer filed appeal against the order of punishment.

Whereas the appeal of the officer was considered by the Competent Authority Directors in his 94th Meeting held at Patiala on 26.09.2012 and the same was decided as under :-

“RESOLVED that after considering the gravity of charges leveled, punishment awarded and comments of Field Officers holding officer responsible for the lapse/negligence and also in the departmental inquiry, the officer being held responsible in respect of charges leveled, the appeal of Er. Rakesh Kumar Arora, AEE/Retd. (Code 6853) against office Order No.717 dated 22.12.2011 be and is hereby rejected.”

Therefore, Punjab State Power Corpn. Ltd., Patiala, as per above decision, hereby dismiss the appeal filed by Er. Rakesh Kumar Arora, AEE/Retd. (Code 6853).

It is issued with the approval of the Competent Authority.”

Competent Authority in its 94th meeting held on 26.09.2012 is stated to have rejected the petitioner's appeal in view of the comments of the Field Officers, gravity of charges leveled. There is no reference to any plea raised by the petitioner.

Learned counsel for the respondent is unable to point out consideration of the grounds of appeal raised by the petitioner at any stage by the competent authority. While deciding an appeal against an order of punishment, competent authority is expected to judiciously consider the grounds of challenge raised by an employee and thereafter render a decision on consideration and appreciation of the facts and circumstances of the case, reflecting due application of mind.

In this view of the matter but without expressing any opinion on the merits of the case, impugned order dated 08.10.2012 is set aside and the matter is remanded before the Appellate Authority. Appellate Authority shall consider the matter afresh and pass a well reasoned speaking order after affording one opportunity of hearing to the petitioner preferably within a period of four months from the date of receipt of certified copy of this order.

Writ petition is consequently disposed of in the said terms.

September 21, 2015
anju

(LISA GILL)
JUDGE