

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

CWP No.13529 of 2015
Date of decision: 14.07.2015

Surinder Singh

... Petitioner

Versus

Financial Commissioner and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Balwinder Singh Sehra, Advocate
for the petitioner.

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?

ARUN PALLI J. (Oral)

A writ in the nature of certiorari is prayed for, so as to quash the order dated 20.12.2011 (Annexure P8), as also the order dated 07.11.2015 (Annexure P9), passed by the appellate authority, vide which the punishment of stoppage of three annual increments with cumulative effect awarded to the petitioner was reduced to stoppage of one increment with future effect. A departmental inquiry was initiated against the petitioner as regards the embezzlement in the Mohem Cooperative Agriculture Service Society Ltd. due to lack of supervision and negligence in performance of duty. The petitioner was found guilty of the alleged misconduct by the Inquiry Officer. As a result, his three annual increments were ordered to be stopped with cumulative effect vide order dated

15.07.2010 (Annexure P6), passed by the Registrar, Cooperative Societies, Punjab, Chandigarh. In an appeal preferred by the petitioner the said order was set aside and the matter was remitted to the competent authority to be decided afresh. However, even on re-consideration, vide order dated 20.12.2011 (Annexure P8), the competent authority reiterated its earlier view. Again, in an appeal preferred by the petitioner, the appellate authority was of the view that since there was no personal involvement of the petitioner in the embezzlement of the amount, punishment inflicted upon the petitioner was harsh. But since he was guilty of negligence and loose supervision, the punishment awarded to the petitioner was reduced to stoppage of one increment with future effect. That's how, petitioner is before this court.

I have heard learned counsel for the petitioner and perused the paper book.

On an analysis of the matter in issue, I am of the considered view that the petition is wholly devoid of merit and is thus liable to be dismissed for the reasons that are being recorded hereinafter. Concededly, the petitioner, who was engaged as an Inspector, had an additional charge of Mohem Multipurpose Cooperative Society Ltd. at the relevant time i.e. w.e.f. 05.07.2006 to 05.09.2009 and an embezzlement of an amount of ₹ 19,35,553/- was discovered during this time. No doubt, the petitioner also held an additional charge of a few

other Societies but he failed to resort to timely measures to verify the accounts of the Society. Something, which he conceded in his reply. And had he carried out timely inspection of the Society, at an appropriate stage, necessary measures could be taken to avert the embezzlement. Concededly, the punishment awarded to the petitioner was preceded by an inquiry and he was afforded due opportunities to participate therein. Material on record substantiates the alleged misconduct. The appellate authority, on an analysis of the matter, chose to reduce the punishment to stoppage of one increment with cumulative effect. Not just that, the order of punishment was passed as back as on 20.08.2011 (Annexure P8) and the appeal preferred against the said order was partly accepted vide order dated 07.11.2012 (Annexure P9), the petition in hand has been filed after almost three years of the said order and thus suffers from gross, inordinate and unexplained delay as well. No interference in the exercise of extraordinary jurisdiction, under Article 226 of the Constitution of India, is warranted. Petition being devoid of merit is dismissed, in limine.

July 14 2015
Rajan

(Arun Palli)
Judge