

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 24529 of 2015

Date of Decision : November 26, 2015

S. K. Verma Petitioner
vs.
State of Haryana 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. Madan Pal, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner challenges the imposition of penalty of stoppage of two annual increments with cumulative effect, meted out to him on account of proven acts of omission and commission on his part.

The relevant facts, which need to be noticed, are that for the following acts of omission and commission on his part, the petitioner was charge-sheeted :-

“1. That he i.e. Sh. S. K. Verma failed to plan the work of constructing Head Regulator of Kasni Minor properly. He allowed to continue the work at fag end of the closure

period without any emergency. A cross cut was made by Sh. Ramesh Kumar, contractor in JLN Feeder at RD 321377-L for construction of Head Regulator due to which a breach in a length of 100 feet was occurred in JLN Feeder during supply on 16-7-2009 as intimated by the Executive Engineer, Water Services Feeder Division, Rohtak vide Canal Wire No. 1660 dated 16-7-2009 (Annexure-A).

- 2. That he failed to exercise control over his staff and also no clear cut instructions were conveyed by him due to which a breach occurred in JLN Feeder. Thus, he was having poor control over his staff and was also having lack of coordination.*
- 3. That from the record it is clear that SLC Sub Minor off takes at RD 329321-L JLN Feeder and discharge of Kasni Minor is included in that Head Regulator. Hence, necessity of Constructing Separate Head Regulator in such a heavy filling reach of 20 feet of main canal was not justified because the existing pipes embedded in the existing Head Regulator were sufficient to took the discharge by making minor adjustment in the existing structure as also admitted by him i.e. Sh. S. K. Verma that present system will be fed by strengthening the existing Head Regulator and the channel (Annexure-B). Thus the Government money was spent un-*

necessarily.

In this way, he violated rule 3(1) and 3(2) of the Haryana Government Employees (Conduct) Rules, 1966.”

In the departmental inquiry, which ensued, the petitioner was found guilty of all the aforementioned charges. It was found that as per the agreement between the parties, the work of constructing Head Regulator of Kasni Minor was to be executed from 23.03.2009 to 23.06.2009. However, the work was not got executed within the stipulated time. The plea raised by the petitioner, when he shifted the blame on other Officers and the Contractor, was rejected as it was found that the petitioner, who was the supervisory Officer, could not be allowed to shirk his responsibilities. It was further proven that the petitioner did not exercise proper supervision and it is for that reason that the execution of the work was delayed. The petitioner was found to have never issued any written communication/order directing the Contractor to submit a schedule for completion of the work, which was a procedural requirement. It was still further proven that the petitioner, as also his subordinate officials, had failed to properly plan the work in question relating in breach of 100 feet in JLN Feeder at RD 321377-L and that the petitioner, along with his subordinates, allowed the Contractor to execute the work of Head Regulator without any urgency, when there was no necessity for the same. As a result of the proven inaction on the part of the petitioner, the State of Haryana incurred huge losses, which though had been recovered from the Contractor, could not absolve the petitioner of his negligence.

The aforementioned Inquiry Report was supplied to the petitioner, to which he submitted his comments, after consideration whereof, the Punishing Authority decided to inflict on the petitioner the punishment of stoppage of two annual increments with cumulative effect.

No procedural irregularity or violation of any rule has been pointed out. It is not denied by learned counsel for the petitioner that the petitioner, at every stage of the disciplinary proceedings against him, was granted proper opportunity. The record reveals that the petitioner has been inflicted upon the impugned punishment on account of proven misconduct. The findings arrived at by the Inquiry Officer, later accepted by the Punishing Authority, are based on proper appreciation of evidence, which need no interference.

The petitioner, who was serving the respondents as an Executive Engineer, was required to supervise the work with efficiency, which was proven to be lacking. Shifting of blame on subordinates and the Contractor is not a ground to absolve him of his supervisory duties.

In view of the above, the present petition, being bereft of any merit, is ordered to be dismissed in limine.

(DEEPAK SIBAL)
JUDGE

November 26, 2015

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