

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

**Civil Writ Petition No.3626 of 2015 (O&M)
Date of decision: 27.2.2015**

Satish Kumar

..Petitioner

VS

State of Haryana and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. K.L. Dhingra, Advocate for the petitioner.

Rajesh Bindal, J.

The petitioner, who is working as Clerk in Education Department and at the relevant time was posted in Government Senior Secondary School, Bastali, has filed the present petition impugning the order dated 15.7.2013, whereby punishment of stoppage of two annual increments without cumulative effect was inflicted and the order dated 2.7.2014, whereby, his appeal was dismissed.

Charge against the petitioner was that he had handed over Last Pay Certificate to Gulab Singh, Lecturer in English while putting his own signature, when the Principal was present in the school. Second charge was that he had handed over service book to Gulab Singh, Lecturer in English without permission and forwarding letter of the Principal. Third charge was that the petitioner deposited ₹ 970/- less in Sanchayaka Fund. During enquiry, charge no.1 was proved and charge no.2 was not proved, whereas, charge no.3 was partially proved. There was delay of five months in depositing the amount. After disciplinary enquiry, punishment of stoppage of two annual increments without cumulative effect was imposed. The order was upheld in appeal.

Learned counsel for the petitioner submitted that the reply filed before the disciplinary authority in response to the notice issued after the conclusion of the enquiry was not considered. Rather it has been noticed

that no reply was filed. He further submitted that the petitioner had signed the letter on behalf of the Principal on his asking. As the petitioner was not guilty, the punishment inflicted is dis-proportionate.

After hearing learned counsel for the petitioner, I do not find any merit in the submissions made.

The petitioner was merely working as Clerk in the Government Senior Secondary School, Bastali. The proved charge against the petitioner was that he had signed Last Pay Certificate of Gulab Singh, Lecturer in English on behalf of the Principal, when the Principal was present in the school. Another charge, which was partially proved was that the petitioner had deposited ₹ 970/- in the Sanchyaka fund after a delay of five months.

As first charge against the petitioner has been fully proved and the second charge was partially proved as there was a delay in depositing the amount in Sanchayka fund, in my opinion, the punishment of stoppage of two annual increments without cumulative effect awarded to the petitioner, cannot be said to be dis-proportionate. During enquiry, the petitioner was afforded due opportunity of hearing to present his case. Nothing was produced to substantiate his claim that the Last Pay Certificate was signed by the petitioner on the asking of the Principal, when he was present in school.

Dismissed.

(Rajesh Bindal)
Judge

27.2.2015

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