

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 2408 of 2011 (O&M)
Date of decision:- 09.03.2015

Charanjit Singh ...Appellant
Versus

Pepsu Road Transport Corpn. & anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sandeep Sharma, Advocate
for the appellant.

RITU BAHRI J.

This regular second appeal is against the judgment and decree dated 12.08.2010 passed by learned Addl. District Judge, Patiala whereby the appeal filed by the defendants-respondents (for brevity 'the respondents') was allowed against the judgment and decree dated 25.04.2009 passed by learned Civil Judge (Sr. Divn.) Patiala whereby the suit of the plaintiff-appellant was allowed.

The appellant was working as Conductor under the respondents since 1979 and was posted in Special Cell, PRTC, Patiala. He was served with charge sheet dated 11.05.1993 with the allegations of embezzlement, to which he submitted reply denied the allegations. Vide order dated 23.01.1994, six annual grade increments of the appellant were stopped with further effect with further direction that he will not be paid anything over and above the subsistence allowance already drawn by him during the period of

suspension. The appellant filed an appeal before the appellate authority, which was partly accepted and retained the punishment of stoppage of four annual grade increments with further effect and rest of the punishment will be the same.

The trial Court decreed the suit of the appellant by referring to the case of PRTC v. Darshan Singh, 2004 (SCT) 688 to the effect that he is entitled to monitory injunction prayed for and respondents were directed to pay interest @ 12% simple interest per annum till realization. It was held that two punishments cannot be imposed upon the appellant as per rule of PRTC i.e

“(i) stoppage of six increments with cumulative effect.

(ii) He will not be paid anything over and above the subsistence allowance already drawn by him during the period of suspension.”

On appeal, the lower Appellate Court reversed the finding of the trial Court, vide judgment dated dated 12.08.2010. The Lower Appellate Court had examined the judgment of Darshan Singh's case (supra) and held that this judgment was not applicable to the facts of the present case, as in that case the delinquent official had accepted his guilt and fault and made confession before the Punishing Authority. As per proviso to Regulation 22 (c) of Pepsu Road

Transport Corpn Regulations, one of the punishment can be awarded without holding enquiry in the event, the workmen admits in writing the charges levelled against him. In the present case, the appellant had not admitted in writing the charges levelled against him and that too before holding enquiry.

The appellant was given personal hearing and in a reply to the show cause notice (Ex P5), he had not admitted the allegations levelled against him. The punishment had been imposed upon him after conducting enquiry and show cause notice was issued to him as to why he could not be removed from service. He filed his reply and punishment order was passed.

As per PRTC Rules, following penalties may for sufficient reason be imposed on the employees.

- “1. Censure
2. Recovery from pay or security during service, or after termination of services, the whole or part of any pecuniary loss caused to the corporation by negligence or breach of order
3. Withholding of increments.
4. Reduction to a lower time scale or to a lower stage in the time scale.
5. Withholding of wages for the suspension period

6. Fines: Fines shall be imposed in accordance with the provisions of the payment of wages Act, 1936.
7. Removal from service which does not disqualify from future employment.
8. Dismissal from service which disqualify from future employment under the Corporation.”

Procedure for enquiry

Provided that in a case where the workman admits in writing the charges levelled against him and the employer is satisfied that such an admission is voluntary, it shall be open to the employer or the manager to award any one of the punishments provided in clause 20 without holding any enquiry.

In the present case, the appellant had not admitted his guilt. So, the benefit of the above said regulations could not be extended to him as he had not admitted his guilt.

Judgment and decree dated 12.08.2010 passed by learned Addl. District Judge, Patiala does not suffer from any infirmity. No substantial question of law arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed

March 09, 2015
G Arora

(RITU BAHRI)
JUDGE