

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Letters Patent Appeal No.546 of 2015 (O&M)

Date of Decision: July 10, 2015

Avtar Singh

....Appellant

versus

Punjab State Power Corporation Limited and others

.....Respondents

**CORAM:** HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.V.K.Shukla, Advocate, for the appellant.

*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?*

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Surya Kant, J. (Oral)

This letters patent appeal impugns the order dated 03.03.2014 whereby learned Single Judge has dismissed the appellant's writ petition in which he challenged the orders passed by Disciplinary as well as Appellate Authorities in a departmental action.

[2] While working as Junior Engineer in the respondent-Corporation, the appellant was served with a charge-sheet dated 29.02.2008 (P-1), inter-alia, alleging that (i) he acted contrary to the policy of the Corporation while releasing a tubewell connection to Bikramjit Singh under the priority quota of ex-serviceman without issuing SCO; (ii) he mis-utilized the material meant for electric line of 11 KV, for the purpose of granting tubewell connection to Joginder Singh under the priority quota of ex-serviceman; (iii) he prepared wrong estimates in case of tubewell connection of Tara Chand and; (iv) he used the material meant for electric line of 11 KV, for the purpose of releasing tubewell connection to Tara

Chand.

[3] The appellant submitted his reply but it was found unsatisfactory, hence the Inquiry Officer was appointed.

[4] It is evident from the forwarding memo dated 16.02.2010 (P-3) that a detailed enquiry report was submitted after giving adequate opportunity of hearing to the appellant. As per that report, all the charges were proved. The appellant chose not to file any objection against the enquiry report. The Disciplinary Authority vide order dated 28.10.2010 (P-4) imposed punishment of stoppage of three annual increments with cumulative effect on the appellant.

[5] The appellant filed a departmental appeal but that was also dismissed.

[6] The aggrieved appellant approached this Court and as it appears from the order passed by learned Single Judge, the only contention raised was re: quantum of punishment allegedly being disproportionate to the nature of proven charges. Learned Single Judge has turned down that contention observing that unless the punishment awarded shocks the conscience of the Court, it cannot be held disproportionate.

[7] We have heard learned counsel for the appellant and gone through the record.

[8] Two-fold contentions are raised. Firstly, the failure of the Appellate Authority to perform its duties under the Rules as the order passed by it is not reasoned and secondly, the punishment awarded is highly disproportionate as at best it is a case of irregularities said to have been committed by the appellant.

[9] Both the contentions do not inspire us. It is a case

where the Inquiry Officer has given well reasoned report against which the appellant was given opportunity to submit objections. He did not do so and accepted the report. Notwithstanding that, the Disciplinary Authority passed a reasoned order while imposing the subject punishment. Where the Appellate Authority is concurring with the Disciplinary Authority, it is not always necessary to repeat the reasons which are already assigned by the Disciplinary Authority. The appellant has not been able to show any prejudice caused for want of a detailed order by the Appellate Authority.

[10] As regard to the disproportionate nature of punishment, it does appear from the nature of charges that there was some motive attributed to the appellant while discharging his official duties. It was a case of mis-utilization of the power as well as causing loss to the Corporation. In these circumstances, the discretion exercised by the Disciplinary Authority which is ex-facie guided by the settled principles, calls for no inference by this Court on the erroneous assumption as this Court is to act as Appellate Authority.

Dismissed.

**(SURYA KANT)**  
**JUDGE**

**July 10, 2015**  
*mohinder*

**(P.B.BAJANTHRI)**  
**JUDGE**

CM Nos.1101 of 2015 in  
LPA No.546 of 2015

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Avtar Singh vs. Punjab State Power Corporation Ltd. and  
others

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Present : Mr.V.K.Shukla, Advocate,  
for the applicant-appellant.

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Since the main appeal has been decided on  
merits, no separate order is required to be passed on this  
application for condonation of delay in filing the appeal.

**(SURYA KANT)**  
**JUDGE**

**July 10, 2015**  
*mohinder*

**(P.B.BAJANTHRI)**  
**JUDGE**