

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

**Review Application No. 232 of 2015(O&M) in
CWP-19811-2013**

Date of decision : 20.05.2015

SURESH KUMAR SHARMA

..... PETITIONER

VS

FOOD CORPORATION OF INDIA AND ORS RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Inderjit Kaushal, 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?

AJAY TEWARI, J. (Oral)

CM-6510-CWP-2015

This is an application for condonation of delay of 559 day in filing the present review application. The ground taken is that the review application was filed on 09.10.2014 but the same was returned with some objections. The review application was then handed over to the petitioner for completion of documents and that is why the delay occurred.

For the reason mentioned above, the delay of 559 days in filing the present review application is condoned.

CM stands disposed of.

RA-CW-232-2015

This is a review application. Of course, certain factual errors have been pointed out in the judgment and even while admitting the same I must also place on record that the order was passed in the presence of learned counsel and he could have very easily corrected the factual errors. The error is that in the order it has been mentioned that a regular inquiry was instituted against the petitioner. However actually it was not a case of regular inquiry but a case of preliminary inquiry, issuance of chargesheet, submission of reply and imposition of punishment. To that extent the reference to the regular departmental inquiry at two places is directed to be deleted. The other ground is that the punishments imposed could only have been imposed by a regular inquiry. Regulation 54 of the Food Corporation of India(Staff) Regulations, 1971 is as follows:-

“54. Penalties:

Notwithstanding anything contained in any other regulation, and without prejudice to such action to which an employee may become liable under any other regulation or law for the time being in force, the following penalties may (for good and sufficient reasons and as hereinafter provided) be imposed on any employee of the Corporation.

Minor Penalties:

- (i) censure;
- (ii) withholding of his promotion;
- (iii) recovery from; his pay of the whole or part of any pecuniary loss caused by him to the Corporation by negligence or breach of orders;
- (iii) (a) Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years without cumulative

effect and not adversely affecting his pension.

(iv) withholding of increments of pay.

.....

On perusal there of it is clear that the punishment imposed upon the petitioner was a minor penalty. Resultantly the second ground is also rejected.

No other argument has been raised.

The review application is dismissed.

(AJAY TEWARI)

JUDGE

May 20, 2015

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