

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

**CWP No.13397 of 2012
Decided on : 19.05.2016**

Lovely Kalyan

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Hemender Goswami, Advocate,
for the petitioner.

Mr.L.S.Virk, Addl., AG., Punjab

G.S. Sandhawalia , J. (Oral)

The petitioner challenges order dated 18.10.2011 (Annexure P-13) whereby in appeal, part relief has been granted and penalty of stoppage of two increments without future effect have been imposed. The disciplinary authority had imposed two increments with cumulative effect upon the petitioner which has been modified.

The allegations against the petitioner are that she being a staff nurse working in Civil Hospital, Ludhiana had been posted in the labour room on 3.6.2006. A patient namely Smt.Reena had delivered a child in the bathroom on the said date. The patient was suffering from labour pain and going to the bathroom repeatedly and in such circumstances, she was charge sheeted for dereliction in duty.

The defence of the petitioner solely rotates on the fact that the

petitioner's duty was in the female surgical ward and not in the labour room.

One Bhupinder Kaur who was also a staff nurse, was on duty with her and the said person is not being proceeded against. During the inquiry proceedings, in order to deal with the defence which was being raised, the inquiry officer had specifically put a question to the petitioner whether they had done the work of the entire ward by joining hands together or as per work distribution. The answer of the petitioner was that both nurses were placed on duty to do the entire ward work by joining hands. The answer reads as under : -

“Question : During placement of you both nurses, you both have carried out the work of entire ward joining hands together or there would be done any work as per work distribution, it will also be disclosed if the work was distributed, then, had the report also made in accordance with that?

Answer : Work of reporting of entire ward and charge taking and giving is done jointly. In the female ward work of surgery, medicines, ORTHO, gyane, child patient, labour room are carried out. Thus both nurses placed on duty do entire work by joining hands.”

Resultantly, the inquiry officer came to the conclusion that both the staff nurses knew that delivery had yet to take place and, therefore, they had to work by joining hands and they were negligent in permitting the patient to go to the bathroom without supervising the patient. Resultantly, the dereliction in duty was found proved. It is in such circumstances that the punishment of stoppage of two increments with cumulative effect has been imposed which has been modified to the extent that the stoppage is without future effect.

In view of the findings, thus, recorded, this Court does not feel

Appellate Authority who has granted substantial relief to the petitioner.

Accordingly, the writ petition is dismissed.

May 19, 2016
Paritosh Kumar

(G.S. SANDHAWALIA)
JUDGE