

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13810 of 2013 (O&M)
Date of Decision:- 22.08.2016.

Dev Raj Saini

.....Petitioner

Versus

The Chairman-cum-Managing Director, Punjab and Sind Bank, Head Office
and others

.....Respondents

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

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. R. Kartikeya, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has questioned the validity of the orders dated 29.5.2008 (Annexure P-15), 30.04.2009 (Annexure P-16), 27.01.2012 (Annexure P-19) and 09.03.2013 (Annexure P-22).

2.) Petitioner was initially appointed as a Clerk-cum-Cashier on 23.5.1980. He has earned promotions to the cadre of Manager level. On 22.1.2007 and 6.8.2007 show cause notices were issued alleging that there were discrepancy in claiming TA, petrol and newspaper bills. He was chargesheeted on 14.1.2008. Before proceeding further, additional charges were framed on 14.1.2008 itself and on 26.3.2008 alleging other allegations. The Inquiring Officer held that the charges levelled against the petitioner were proved. Consequently, the disciplinary authority issued show cause

notice on 21.5.2008 along with Inquiring Officer's report seeking explanation of the petitioner on the Inquiring Officer's report. The petitioner is stated to be assigned with the Election duty. Therefore, he was not in a position to submit his explanation to the show cause notice. In this regard, he had requested for time. Thereafter on 24.5.2008, he submitted reminder in which he had sought certain information and documents. Ignoring the request of the petitioner, the disciplinary authority proceeded to impose penalty of reduction to a lower grade or post, or to a lower stage in a time scale to be more clear on the initial stage of JMGS-I.

3.) Feeling aggrieved by the order of penalty, he preferred an appeal before the Appellate Authority. The Appellate Authority modified the penalty in the following terms:-

“Reduction to a lower stage in the time scale of pay by two stages for a period of two years and he will not earn increments of pay during the period of such reduction and on expiry of such period the reduction will have effect of postponing the future increments of pay”

4.) Still aggrieved by the order of Appellate Authority, he preferred a review petition. Review petition was dismissed on 27.1.2012 vide Annexure P-19. Hence, the petitioner is before this Court.

5.) Perusal of the records reveals that petitioner has not been given proper opportunity at the stage of filing reply to the show cause notice and seeking explanation on the Inquiring Officer's report. On 21.5.2008, show cause notice along with the Inquiring Officer's report was furnished to the petitioner. The petitioner sought time on 24.5.2008 and further on

27.5.2008. While submitting reminder, he sought certain information and documents. The same was ignored by the disciplinary authority and proceeded to pass penalty order on 29.5.2008. In view of these facts and circumstances, the matter is required to be remanded to the disciplinary authority for fresh consideration i.e. from 27.5.2008, the date on which the petitioner has sought for certain information and documents. The disciplinary authority is directed to furnish the documents which has been sought by the petitioner. After receipt of the documents and information, the petitioner is directed to furnish his reply to the show cause notice and explanation to the Inquiring Officer's report within a period of one month from the date of receipt of information and documents. The writ petition is partly allowed while quashing the order of disciplinary authority, Appellate Court and reviewing authority. The above exercise shall be completed by the disciplinary authority insofar as furnishing information and documents and further for passing final order within four months from today.

6.) Accordingly petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

August 22, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.