

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

**CM-7835-CWP-2016 in/and
CWP-11174-2016 (O&M)
Date of decision : August 03, 2016**

Mukhtar Singh

..... Petitioner

Versus

Punjab State Power Corporation Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.D. Sharma, Advocate for the applicant-petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CM-7835-CWP-2016

Application is allowed as prayed for.

Punjab State Electricity Board Employees Punishment and Appeal Regulations 1971 as Annexure P-6 is taken on record.

As the main case was adjourned sine die to produce the Rules of PSPCL relating to conduct of inquiry and remedy of statutory appeal against the punishment order and the same has now been produced on file, therefore, the main case i.e. CWP No.11174 of 2016 is taken on Board for hearing today.

Main Case

Petitioner is aggrieved of the punishment order dated 26.04.2016 (Annexure P-5) passed by the respondent No.2, vide which 10% cut for five years was imposed in the pension of the petitioner, who retired as Junior Engineer from the Punjab State Power Corporation Ltd.

The plea of learned counsel for the petitioner is that allegations against the petitioner are that he had issued certain wrong tube-well connections to Ex. Army Officers under Ex. Army Officers priority quota.

It is contended that it was for the other officers to check out the jamabandies. It is further contended that the order passed by the Director, which means that his statutory right was taken away.

A perusal of the charge-sheet shows that it was issued by the Deputy Secretary, Technical, who is higher in rank than the Chief Engineer, who was competent to pass the punishment order. In case the charge-sheet is issued by the higher authorities then the lower authority cannot pass the punishment order. Apparently, there is no illegality in the impugned order. So far as the findings are concerned, in the departmental inquiry, the findings have been recorded that the petitioner released the tube-well connection at wrong place. After due inquiry, the punishment order was passed. The charge-sheet was served upon the petitioner when he was in service. Therefore, this Court does not find any reason to substitute its findings with the findings of the punishing authority.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

August 03, 2016

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Whether speaking / reasoned Yes

Whether Reportable: No