

benefits.

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

In the year 2010, while the petitioner was serving as an Electrician in the Haryana Roadways, disciplinary proceedings were initiated against him on the ground that when he had gone to the Headquarters for some official work, over there, in connivance with one Conductor namely Rajmal, he had approached two Inspectors namely Banta Singh and Parkash Chand and while introducing himself to them as a Preventive Maintenance Assistant (PMA), had intimidated them by telling them that on 26.01.2010, they had prepared a false report against the above referred Conductor Rajmal that he had demanded money from passengers. He further threatened the Inspectors with dire consequences on their visit to Panipat in the course of inquiry against the aforesaid Rajmal.

In the regular departmental inquiry, which ensued, the petitioner was found guilty and on the basis of such proven guilt, through order dated 13.02.2014, he was ordered to be compulsorily retired. On appeal, through a well-reasoned order, while taking a lenient view in the matter, the penalty of compulsory retirement was converted to that of reduction to the minimum of time scale of pay for a period of two years. It was further ordered that the petitioner would not earn increments of pay during the said period of two years, that the suspension period, during

which he remained out of service, would not be considered part of service and that in the suspension period, he shall only be paid subsistence allowance.

Learned counsel for the petitioner does not dispute that during the inquiry and punishment proceedings, principles of natural justice have been followed. Violation of any applicable rule has also not been pointed out.

A perusal of the inquiry report shows that the petitioner's guilt of intimidating and threatening his seniors at the behest of a co-employee has been established. It is further revealed that in the Headquarters, though the petitioner was a Clerk, he posed himself to be a PMA. Thus, he impersonated himself as a superior officer. The proven guilt on the part of the petitioner was serious but a perusal of the impugned order shows that by taking a lenient view in the matter, the Appellate Authority has imposed the penalty of reduction to the minimum of time scale of pay for a period of two years. It was further directed that during the aforesaid period of two years, the petitioner would not earn any increments and the period during which he remained out of service, the same shall not be considered part of his service for any purpose and for the suspension period, he shall only be paid subsistence allowance.

I find no reason on facts or in law to interfere in the well reasoned order impugned by the petitioner. The penalty so imposed does

not shock my conscience as it commensurates with the petitioner's proven guilt. Rather, as per the impugned order, the case of the petitioner has been dealt after showing leniency. The Inquiry Officer, the disciplinary Authority and the Appellate Authority have considered the pleas of the petitioner and concurrently rejected the same. I find no perversity in those orders and thus, am not inclined to interfere with them.

Resultantly, finding no merit in the instant writ petition, the same is hereby dismissed with no order as to costs.

(DEEPAK SIBAL)
JUDGE

February 15, 2016
monika