

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

**CWP No.19278 of 2016 (O&M)**

**Date of decision : September 26, 2016**

**Rakesh Kumar Arora**

**..... Petitioner**

**Versus**

**Punjab State Power Corporation Ltd. and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:-** Mr. R.S. Bajaj, Advocate for the 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)**

Petitioner has impugned the order dated 02.03.2016 (Annexure P-9) passed by respondent No.1, whereby the appeal filed by the petitioner against the order dated 22.12.2011 (Annexure P-4), imposing cut of 10% in the pension for 10 years, has been dismissed.

It comes out that the charges against the petitioner are that one Ramdev, Lineman was transferred under the control of the petitioner. Petitioner did not mark his presence from 23.12.2005 to 02.01.2007 and illegally released his salary. Meaning thereby that though said Ramdev, Lineman did not actually work, his salary was wrongly released, causing loss to the respondent-Corporation and committed fraud with the respondent-Corporation. The petitioner was held guilty for the said charges and a cut of 10% in his pension for 10 years was imposed upon him, vide order dated 22.12.2011 (Annexure P-4) by the punishing authority. His appeal was dismissed by the competent authority vide order dated 08.10.2012 (Annexure P-6) against the said order of the appellate authority.

Petitioner approached this Court by way of filing CWP No.15565 of 2013, which was disposed of at motion hearing stage on 21.09.2015, whereby the order of the appellate authority was set aside and the appellate authority was directed to consider the matter afresh and pass a well reasoned speaking order after granting one opportunity of hearing to the petitioner. Now, the speaking order dated 02.03.2016 (Annexure P-9) has been passed.

Learned counsel for the petitioner has argued that the impugned order (Annexure P-9) is not a speaking order and all his contentions have not been meted out.

In this case, charges are simple and straight. The petitioner did not mark the presence of said Ramdev, Lineman for a particular period and released his salary. Meaning thereby that the said Lineman was not attending his duties but he was paid salary for the absence period. This act amounts to fraud with the respondent-Corporation as well as caused financial loss to the respondent-Corporation.

Before the Inquiry Officer, the present petitioner did not lead any defence evidence to show that said Ramdev, Lineman was, in fact, attending his duties and had done some work during the period under reference, which could show that though, inadvertently, the presence of Ramdev, Lineman was not marked, but his salary was rightly released by the petitioner. In fact, the said Lineman was not attending his duties. Therefore, the appellate authority vide order dated 08.10.2012 (Annexure P-6) has considered the inquiry report, file as well as the evidence and has taken the view that the presence of the Lineman attached to any officer is to

be marked, which is mandatory.

The plea of the petitioner that the presence of the said Lineman was not being marked for one year continuously, was not accepted. Sufficient reasoning has been given in the order of the appellate authority (Annexure P-9), in dismissing the appeal. So far as the merits are concerned, since the petitioner had not lead any defence evidence before the competent authority to prove that said Ramdev, Lineman was attending his duties, therefore, it cannot be said that the findings of the inquiry officer are incorrect and there is no illegality in the punishment order.

Learned counsel for the petitioner has further contended that since the salary has been recovered from said Ramdev, Lineman, therefore, the punishment order of cut of 10% in the pension of the petitioner for 10 years, deserves to be set aside.

A perusal of the punishment order shows that the order was not to recover the loss caused to the respondent-Corporation but was passed on account of the charges being proved against the petitioner. Thus, there is no illegality or infirmity in the impugned order 22.12.2011 (Annexure P-4) and order dated 02.03.2016 (Annexure P-9) of the punishing authority and the appellate authority respectively.

As such, the present writ petition is dismissed.

**(KULDIP SINGH)**  
**JUDGE**

**September 26, 2016**

sarita

Whether speaking / reasoned                      Yes

Whether Reportable:                                      No