

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

CWP No.7147 of 2011 (O&M)

Date of Decision:31.03.2016

Satbir Singh Petitioner

Vs.

HPGCL and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Shrey Goel, Advocate for Mr. J.K. Goel,
 Advocate for the petitioner.

Mr. Mohnish Sharma, Advocate for respondents.

DEEPAK SIBAL, J.(Oral)

While the petitioner was serving the respondent- Corporation as a Fireman, through the impugned order, he was compulsorily retired. The primary basis for compulsorily retiring him were the adverse entries recorded against him doubting his integrity for the years 2005-06, 2006-07, 2007-08.

During the pendency of the present petition, the matter with regard to adverse ACRs against the petitioner and other issues, with regard to omission and commission on his part were reconsidered through order dated 30.4.2015 as under:-

“The matter is hereby re-considered afresh in view of latest enquiries reports dated 02.01.2015 and 12.04.2015 and following have been observed:-

1. It is amply clear that there is no specific record available on the basis of which the doubtful integrity was recorded in the ACRs of Sh. Satbir Singh, Fireman for the period

2005-06, 2006-07, 2007-08 by Shri Attar Singh Ruhil, the then Chief Fire Officer.

2. It has been noted that the version of petitioner regarding fraudulent loss caused to the corporation exchequer to the tune of multiple lacs of rupees through purchase of uniform clothes, other items, fire fighting material, misuse of Jeep etc. found incorrect and devoid of facts. The above fact is substantiated from the report given by State Govt. Vigilance Deptt and Vigilance Cell of HVPNL besides in the facts finding enquiries on the complaints made by Sh. Satbir Singh, Fireman regarding allegations as contained herein. All these agencies did not find any substance in the complaint and these were found to be false.

Moreover, the allegation levelled in the charge sheet against the petitioner have also been proved in the latest enquiry report dated 12.04.2015. As such, the punishment awarded to the petitioner vide office order dated 27.07.2009 is in order.

In view of the above facts & circumstances, the adverse remarks in the ACRs of Sh. Satbir Singh, Fireman for the year 2005-06, 2006-07 and 2007-08 are hereby expunged. However, even in view of latest enquiry report dated 12.4.2015, the punishment i.e. stoppage of one annual increment without cumulative effect given is in order.”

Learned counsel for the respondent- Corporation very fairly submits that in view of the afore-quoted observations, the impugned order compulsorily retiring the petitioner needs to be set aside and will be withdrawn with all consequential benefits through formal orders which would be passed by the respondent – Corporation within two weeks from today.

The aforesaid statement made by learned counsel appearing on behalf of the respondents satisfies the counsel for the petitioner and consequently renders the present petition infructuous.

Ordered accordingly.

March 31, 2016
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(DEEPAK SIBAL)
JUDGE