

CWP No. 208 of 2015

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

CWP No. 208 of 2015

Date of Decision: 13.07.2016

P K GARG

... Petitioner

VS.

PUNJAB NATIONAL BANK AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. B.B. Bagga, Advocate,
for the petitioner.

Mr. Saurav Verma, Advocate,
for the respondents.

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.)

The petitioner who was working as the Chief Manager with the respondent Bank seeks issuance of writ of certiorari for quashing the punishment order 03.03.2012 (*Annexure P-10*). He also seeks quashing of order dated 07.09.2012 (*Annexure P-12*) vide which respondent No. 2, the appellate authority, dismissed his appeal. He also seeks quashing of order dated 07.06.2014 (*Annexure P-14*) vide which respondent No. 1, the reviewing authority, dismissed his review application.

The short facts are that the petitioner who was initially appointed as Clerk, rose in the official hierarchy to the post of the Assistant General Manager in the respondent-Bank. He was due to retire on 30.06.2011 and before his retirement two charge-sheets were issued on 10.05.2011 and 26.05.2011. The enquiry was held and consequently, out of the 15 charges framed against the petitioner, he was held guilty of 6 charges, while two charges were partly proved and seven charges were held to be not proved.

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Accordingly, major penalty of “Reduction to the two lower stages in the time scale of pay on the date of the superannuation i.e. 30.06.2011” was imposed upon the petitioner in terms of the Regulation 4 (f) of PNB Officer Employees’ (Discipline and Appeal) Regulation, 1977. The further grouse of the petitioner is that a formal letter of retirement has not been issued to him.

After hearing learned counsel for the parties and going through the enquiry file, I am of the view that the petitioner has sought to project that certain facts mentioning the enquiry were not properly appreciated and that the enquiry was conducted hurriedly. The enquiry report and the plea of the learned counsel for the petitioner shows that the petitioner is required to prove certain facts which can be established only during the proceedings before a Civil Court. Therefore, the matter cannot be decided in the exercise of the writ jurisdiction.

As such the petition is relegated to avail the remedy before the appropriate Civil Court by instituting a civil suit.

However, the respondents have undertaken that they will issue the formal letter of retirement to the petitioner. The respondents are accordingly directed to issue formal letter of retirement within three weeks.

The petition is accordingly disposed of.

July 13, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**