

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

**C.M. No. 4479 of 2016 in/and
C.W.P No. 20918 of 2015
Date of decision : 29.04.2016**

Mahender Singh

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mukesh Yadav, Advocate
for the applicant-petitioner

RITU BAHRI , J. (Oral)

C.M. No. 4479 of 2016

Application is allowed as prayed for.

Accordingly, Annexures P-11 to P-13 are taken on record.

C.W.P No. 20918 of 2015

The present petition is for quashing orders dated
12.10.2009 and 23.08.2011.

Petitioner was appointed as Maths teachers in G.S. School
Bhojawas, Distt. Mahendergarh and was placed under suspension vide
order dated 13.06.2008 and was further charge sheeted under Section
7 of Haryana Civil Services (Punishment and Appeals) Rules, 1987, vide

order dated 04.11.2008. Mr. V.P. Batra, IAS Retired was appointed as Enquiry Officer and he found the petitioner guilty of one charge i.e minus result of class 8th and 10th for last 8 years. Petitioner was then issued show cause notice dated 21.08.2009 for imposition of punishment of one increment with cumulative effect, to which the petitioner filed his reply dated 08.09.2009. Subsequently, petitioner was imposed the punishment of stoppage of one increment with cumulative effect, vide order dated 12.10.2009 (P-1).

Petitioner filed CWP No. 7078 of 2011 for quashing the above said order dated 12.10.2009. This Court vide order dated 26.04.2011 directed the respondents to decide the appeal of the petitioner which is pending before them. In compliance of the above said order, the respondents dismissed the appeal of the petitioner vide order dated 23.08.2011.

Thereafter, on an information received by the petitioner under the RTI Act that there is some complaint against the petitioner, he moved an application datd 20.09.2011 (P-5) for personal hearing against the decision of Director Sec. Edu. Haryana, Panchkula.

Petitioner again filed CWP No. 14731 of 2012 and this Court vide order dated 02.08.2012 directed the respondent i.e Commissioner and Director General Sec. Edu. Haryana to consider and

decide the revision petitioner preferred on 20.09.2011, within a period of one month.

In compliance of the above order, the revision petition filed by the petitioner for personal hearing was dismissed vide order dated 30.11.2012 (P-8).

Petitioner again filed CWP No. 3514 of 2013, which was partly allowed by this Court vide order dated 06.10.2013 and direction was given to Principal Secretary, School Education Department, State of Haryana to consider the matter and to take a decision upon the revision/second appeal dated 20.09.2011 by passing a speaking order, within four months.

Thereafter, the Principal Secretary, School Education Department, State of Haryana also dismissed the appeal filed by the petitioner, vide order dated 14.03.2015.

Learned counsel for the petitioner while referring to letter dated 09.03.2010 (P-13) wherein it has been stated that on the basis of complaint, employee was suspended. Notice was issued by the directorate to the employees/officers whose result was 0% to 20% in which only Sh. Duli Chand, Head Master G.H.S. Chapda Bibipur was suspended in this district. Thereafter, his two increments were stopped with cumulative effect.

However, this information will not help the petitioner, as his result of 8th and 10th class was in minus for the last eight years. Further a perusal of order dated 30.11.2012 shows that four enquiry officers have conducted the enquiry against the petitioner and found him guilty and Hon'ble Lokayukta Haryana has rejected the application of the petitioner as well.

Since the result of the petitioner for the previous eight years were in minus/lesser, he was punished with stoppage of one increment only and moreover, other teachers whose result was less or minus, they were also charge sheeted and punished accordingly.

No ground is made out to quash orders dated 12.10.2009 and 23.08.2011.

The writ petition is dismissed being devoid of any merit.

(RITU BAHRI)
JUDGE

29.04.2016

G Arora