

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23205 of 2014 (O&M)

Date of Decision: 22.09.2016

HARDEV SINGH

... Petitioner

Vs.

STATE OF PUNJAB & OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

Mr. P.C. Goyal, Advocate,
for respondents No. 2 to 4.

KULDIP SINGH, J. (Oral)

Brief facts of this case are that, the petitioner was working as Junior Engineer in Punjab State Power Corporation Ltd., Patiala (PSPCL). He retired from service on 28.02.2011. During his service, one charge sheet was pending, in which ultimately a punishment order dated 22.04.2014 was (*Annexure P-3*) was passed, in which the orders were passed for stopping one annual increment and pension cut for one year equal to the punishment to the petitioner without any future effects.

Though the order dated 22.04.2014 is vague, it can be understood by the Court that the cut in the pension is equal to one increment and it was for one year without any future effect. It comes out from the said order that earlier the order of punishment was passed on 10.02.2014, for stopping one annual increment of the petitioner without any future effect. The said order was amended vide (*Annexure P-3*) by passing above noted order. Thereafter,

CWP No. 23205 of 2014

further orders were passed vide order dated 15.07.2014 (*Annexure P-4*) vide which while noticing that the employee had retired and the punishment award was not implemented, therefore, the punishment was revised imposing 5 % percent cut from the pension for five years. In this *suo moto* review, the petitioner was not heard nor given any notice. The order dated 15.07.2014 (*Annexure P-4*) which is impugned in the present petition, is in fact enhancement of the punishment. There is no provision in Punjab Civil Services Rules wherein after the passing of punishment order the same could be revised so as to enhance the punishment that too without hearing the delinquent employee. The punishments reproduced above go to show that vide (*Annexure P-4*) the revised order is in fact enhancement of punishment from the previous order (*Annexure P-3*) hence, order (*Annexure P-4*) being patently illegal is quashed.

It comes out that the Deputy Secretary, Technical-I, PSPCL, Patiala in this case has passed three orders. First order was for stopping one annual increment and pension cut for one year without future effect while noticing the petitioner had retired. The Deputy Secretary failed to appreciate the rules that such an order could not be passed against the retired employee. Then the second order (*Annexure P-3*) was passed on 22.04.2014 as noticed above. The said order is also vague as noted above. Then third order dated 15.07.2014 (*Annexure P-4*) was passed by the same Deputy Secretary. It appears that the said Deputy Secretary is not conversant with the Rules, therefore, pushing the department to the litigation by passing illegal, vague and orders against the rules. A departmental action is recommended against the

CWP No. 23205 of 2014

said Deputy Secretary for passing the impugned order dated 15.07.2014
(Annexure P-4), after giving opportunity of hearing to him.

September 22, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>