

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

CWP No. 3332 of 2015

Date of decision : 29.03.2016

Satbir Singh

...Petitioner

versus

D.H.B.V.N.L and ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajay Chaudhari, Advocate
for the petitioner.

Mr. Manish Dadwal, Advocate
for the respondents.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest? Yes*

RITU BAHRI , J.

Petitioner has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari to quash the action of the respondents by which the petitioner was not granted consequential benefits for which he is entitled as per order dated 03.04.2014 (P-6)

Petitioner joined as Work Charge T Mate on 20.01.1977 and worked up to 25.05.1982 on work charge basis and on 25.05.1982, his services were regularized as Assistant Linemen. Petitioner retired on

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30.04.2012. However, during his service, on 11.02.1993, petitioner came in the influence of Electric Shock while repairing the transfer and was subsequently hospitalized and remained admitted from 12.02.1993 to 12.03.1993 and remained under treatment due to the burn injuries in PGI from 13.03.1993 to 15.10.1995. After giving the medical fitness certificate from the concerned medical authority, he joined back his duty on 16.10.1995 and submitted an application for sanction of F.A Leave, in view of letter dated 04.12.1987 regarding grant of special disability leave, who met with an accident, during the service hours.

Executive Engineer being not satisfied with the documents submitted by the petitioner, got registered an F.I.R No. 20 dated 20.01.2003 against the petitioner for causing loss to the department by preparing false medical certificates and submitted them for the sanction of leave on account of non-fatal accident.

But petitioner was acquitted in the above said F.I.R by the Appellate Court on 12.12.2012. However, during the pendency of the above said F.I.R, charge sheet dated 05.02.2003 was served upon the petitioner regarding grave misconduct. After the acquittal of the petitioner, he was called to give reply to the above said charge sheet and the same was filed on 07.03.2014. After considering the reply of the petitioner, the charge sheet was withdrawn but a punishment of

stoppage of one annual increment with future effect was imposed upon the petitioner vide order dated 03.04.2014 (P-6). After withdrawal of the charge sheet, petitioner was given retiral benefits on the lower side despite so many representations made by him. Petitioner sought information under the RTI Act and it was informed that he has not been given benefit of work charge period, as petitioner has not intimated the name of office and period of posting under which he actually worked in the work charge capacity.

On notice, a written statement has been filed by the respondents stating therein that petitioner had submitted false certificates, which stood verified as PGI, Rohtak Superintendent medical report vide letter dated 18.11.2002. copy of the statements and medical report letter dated 18.11.2002 are Annexure R-1/1 and R-1/2. Thus period of leave w.e.f 12.02.1993 to 15.10.1993 was sanctioned as a leave of kind due, vide office order dated 27.05.2014. After due verification, he was charge sheeted on 05.02.2003 (R-1/3). He was convicted by the learned trial Court but was acquitted by the learned Appellate Court on 12.12.2012.

Heard learned counsel for the parties.

A combined reading of Annexure R-1/1 and R-1/2 shows that one of the baldes of GO switch was not in proper position and

Khajan Singh checked the GO switch by visiting the spot and found that nut-bolts of illegible were free and blade was also illegible. This deficiency was made good on the spot and G.O switch had started working properly. Further as per Annexure R-1/2, petitioner was not advised any rest, as per discharge slip and the certificate issued to him is unauthentic as it bears no dispatch no and date etc. The usual office proforma for rest fitness certificate has not been used.

Thus the petitioner was rightly charge sheeted and was given punishment, as per Rules by treating the period w.e.f 12.02.1993 to 15.10.1993 as a leave of kind due, vide office order dated 27.05.2014. The petitioner has been acquitted as it might be a case of weak evidence because as per Annexure R-1 and R-2, it clearly shows that the petitioner has given forged certificate to take the benefit of letter dated 04.12.1987 regarding grant of special disability leave, who met with an accident, during the service hours. The punishment of stoppage of one annual increment with future effect, vide order dated 03.04.2014 (P-6) has rightly been passed. As regards to prayer for counting his work charge period towards his pensionary benefit, the case of the respondents is that there is no material with the department to shows that the petitioner has worked from 20.01.1977 and worked up to 25.05.1982 on work charge basis. Hence, he is not

entitled to this claim as well.

For the reasons stated above, the present writ petition is dismissed being devoid of any merit.

(RITU BAHRI)
JUDGE

29.03.2016

G Arora