

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 3999 of 2016
Date of Decision:- 29.02.2016

Rajesh Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of show-cause notice dated 09.03.2015 (Annexure P-18), culminating into order of punishment dated 08.06.2015 (Annexure P-20), vide which major punishment of stoppage of three annual increments with cumulative effect has been imposed upon him.

Learned counsel for the petitioner has argued that the petitioner was working as TGT, Hindi Teacher. He was suspended, vide suspension order dated 10.07.2013 (Annexure P-14) and thereafter he was reinstated in service. Further the petitioner had received charge-sheet dated 28.01.2014 (Annexure P-17) and a major punishment of stoppage of three annual increments with cumulative effective was imposed upon the petitioner, vide order dated 08.06.2015 (Annexure P-20) by the District Elementary Officer, Kurukshetra (respondent No.2).

It has been further argued that the petitioner has filed an appeal against the said order on the ground that as per Rule 14(1) Appendix (C) of Haryana School Education (Group C) State Cadre Service Rules, 2012, notified on 11th April, 2012, the Additional Director (Admn.) is the punishing authority for imposing of any major penalty. However, in the present case, the penalty has been imposed by the District Elementary Officer, which is beyond his jurisdiction and power under the Rules. The appeal filed by the petitioner is still pending for consideration before the appellate authority i.e. Director General, Department of Elementary Education, Haryana (respondent No.5) and no decision has been taken thereon.

In view of above facts, the present writ petition is disposed of with the direction to respondent No.5, to conclude the proceedings in the appeal filed by the petitioner, in accordance with law, within a period of three months.

February 29, 2016
naresh.k

(**RITU BAHRI**)
JUDGE