

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.697 of 2016

Date of decision: 14.1.2016

Daljeet Singh

...Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of order dated 26.8.2015 (Annexure P/8) whereby his request for reinstatement with effect from 12.9.2012 after completion of suspension period of 30 days has been rejected.

Various prayers that payment of subsistence allowance from 13.8.2012 to 11.9.2012 and full payment to the petitioner from 12.9.2012 to 23.12.2012 be made.

It is not disputed that the petitioner was reinstated on 20.12.2012 and joined on 24.12.2012 now stands retired with effect from 30.9.2015. The petitioner was suspended with effect from 13.8.2012 (Annexure P/1) on account of irregularities/misconduct in view of the report of the Chief Engineer/Administration (South), Patiala. The action of suspension was done under Regulations 4(1) of Punishment and Appeal Regulation, 1971 which are applicable to the employees of the respondent-Corporation. It is not disputed that enquiry proceedings are pending against the petitioner and initially charge sheet dated 13.3.2013 was issued and final decision is to be taken on the same.

A perusal of the aforesaid Regulation would go on to show that suspension may be done on account of various contingencies which

include disciplinary proceedings, pendency of criminal case under investigation, inquiry or trial and detention beyond 48 hours etc. The said enquiry proceedings have yet to come to an end.

The absolute claim for reinstatement on the basis of instructions dated 8.1.1995 (Annexure P/11) prima-facie is without any valid ground as the same are not statutory in nature and only directory. The respondents have found that the charges levelled against the petitioner was serious regarding financial irregularities and therefore the charge sheet could not be served upon the petitioner on time. Even otherwise the respondent-Corporation has yet to come to the conclusion that whether the petitioner is guilty of irregularities/misconduct. The said proceedings have not culminated thus in favour of the petitioner or against him. In such circumstances, at this stage, the issue whether the petitioner was liable to be reinstated after a period of 30 days of his suspension can be considered at that point of time when the departmental proceedings come to a logical end. In case it is found that the petitioner is liable to be exonerated of charges levelled against him, it is always open to him at that point of time to make a claim for what he has now approached this Court by challenging the impugned order.

Accordingly, the present writ petition is dismissed as premature at this stage with liberty to agitate his claim after decision of the enquiry proceedings pending against him and his grievance can be redressed at that point of time.

January 14, 2016
Pka

(G.S.SANDHAWALIA)
Judge