

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.7865 of 2016

Date of Decision: April 28, 2016

Raj Kumar Thakur

....Petitioner

versus

Post Graduate Institute of Medical Education and Research,
Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

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

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner impugns the order dated 15.12.2015 passed by the Central Administrative Tribunal, Chandigarh Bench, whereby the penalty of imposing 2% cut in pension as well as the order of the Appellate Authority affirming such penalty on him have been upheld.

The petitioner joined the Post Graduate Institute of Medical Education and Research, Chandigarh as Sub-Divisional Clerk on 23.11.1974. He was promoted as Accounts Clerk and then as Head Clerk.

Though the Service Rule expressly stipulates that only "Divisional Accountant with five years' experience in the grade" is eligible for promotion to the post of Junior Accounts Officer, but the petitioner, who himself was dealing with such promotions, put up a note that the post of Divisional

Accountant and Head Clerk are common and a Head Clerk is also eligible for promotion to the post of Junior Accounts Officer being in the grade of Divisional Accountant. The DPC was thus misled for securing promotion.

The above-stated misconduct led to initiation of disciplinary proceedings which culminated into the penalty of 2% cut in pension of the petitioner as he meanwhile retired from service. The Appellate Authority also upheld the penalty.

The petitioner unsuccessfully challenged those orders before the Tribunal who has held that the charges against the petitioner have been proved on the basis of enquiry and the petitioner has failed to make out a case of any perverse finding in this regard.

We have heard learned counsel for the petitioner. It is contended that the petitioner's plea that he was fully eligible for promotion being in the same grade has not been considered by the Disciplinary Authority or the Appellate Authority and such a plea though raised before the Tribunal has gone unheard. Secondly, it is contended that 2% cut in pension is excessive and disproportionate to the nature of charges proved against him.

As regard to the first contention, we are satisfied after going through the service rules that the petitioner misled the DPC as only a 'Divisional Accountant' with five years' experience in the grade admissible for the post of Divisional Accountant is eligible for promotion to the post of Junior Accounts Officer. No other employee could claim in the zone of consideration or eligibility merely because he was drawing the pay-scale at par with the Divisional Accountant.

As regard to second plea that 2% cut is too harsh, we have no reason to doubt that the Disciplinary Authority and the Appellate Authority must have kept this aspect in view while imposing a cut of Rs.1600/- per month in the pension of the petitioner.

No case to interfere with the impugned orders is made out.

Dismissed.

[SURYA KANT]
JUDGE

April 28, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE