

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

**CWP No.8867 of 2016
Decided on : 25.05.2016**

Jaswinder Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.Manmeet Singh Rana, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner challenges the order dated 11.06.2015 (Annexure P4) whereby the appeal of the petitioner was allowed and stoppage of one annual grade increment without cumulative effect, had been imposed instead of stoppage with cumulative effect.

Counsel for the petitioner submits that the order of recovery had also been passed of Rs.12,059/-, which the petitioner has duly deposited and therefore, the stoppage of one increment without cumulative effect, was not justified, in the facts and circumstances.

A perusal of the paperbook would go on to show that admittedly, the petitioner, who is working as Conductor, was issued a charge-sheet on account of the fact that on sudden checking, 3 ticket boxes were found missing. Resultantly, an enquiry was ordered. In the enquiry proceedings, after recording evidence, the Enquiry Officer recorded a finding that 2 of the ticket boxes were found and the same were deposited in the record, whereas ticket box no.19 was not found. It was, accordingly, held that the *mala fide* intention of the official was not

there. However, it was concluded that he was responsible for the loss of the tickets worth Rs.12,059/-. Keeping in view the above finding of the Enquiry Officer, the disciplinary authority imposed the punishment of stoppage of one annual grade increment with cumulative effect, vide order dated 25.11.2014, against which, the appeal was partly allowed by respondent No.1 on 11.06.2015.

The authorities have followed a proper procedure by holding a departmental enquiry and the Enquiry Officer has recorded a finding that the petitioner was responsible for the loss of the ticket bag. In such circumstances, the punishment which has been imposed of stoppage of one annual grade increment without cumulative effect, in the facts and circumstances, is not liable to be interfered with. It is settled principle that this Court is not to examine the findings of the departmental proceedings as a Court of appeal but only to see that the procedure followed is in accordance with law.

Resultantly, finding no merit in the present writ petition, the same is, hereby, dismissed in limine.

MAY 25, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE