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

**LPA no. 1497 of 2015 (O&M)**
**Date of Decision :06.05.2016**

Surinder Singh

....Appellant(s)

Versus

The Financial Commissioner, Department of Cooperation, Punjab and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS JUSTICE LISA GILL

1)Whether reporters of local newspapers 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?

Present : Mr.B.S.Sehra, Advocate for the appellant

**MAHESH GROVER, J.**

**CM no. 3220-LPA of 2015**

After hearing learned counsel for the applicant and going through the contents of the application for condonation of delay, same is allowed. Delay of 9 days in filing the appeal is hereby condoned.

**Main case**

This appeal is directed against the judgment of the learned Single Judge dated 14.7.2015. The appellant was working as Inspector Cooperative Societies and he was entrusted an additional charge of the society where embezzlement is alleged to have taken place during his tenure. Upon an inquiry,

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the inquiry officer recorded a finding of embezzlement possibly on account of collusion with the Secretary of the Society and the Audit Inspector. In passing he also noticed that the appellant was certainly having an extra work load. The charge of embezzlement was not established against the appellant but it was held that he was negligent in performing his duties which led to stoppage of three annual increments with future effect. These orders were carried in appeal where eventually the punishment was reduced to stoppage of one annual increment with cumulative effect.

Learned Single Judge opined that since there is no procedural irregularity leading to the punishment there would be no occasion to interfere with the order passed by the punishing authority and thereby declined interference in the writ proceedings.

Learned counsel for the appellant would once again refer to the afore-noticed facts to contend that since no charge of embezzlement was proved and neither was the society put to any loss, the punishment inflicted upon him would be harsh, particularly, when even the charge of dereliction of duty seems to falter if the findings of the inquiry officer regarding the extra work load upon the appellant is considered.

Upon due consideration, we find that there would be no reason to interfere with the impugned judgment of the learned Single Judge which is based on a well established principle that if there is no procedural irregularities leading

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to the inflictment of punishment then interference with the view of the punishing authority would be unwarranted unless the same is shown to be palpably perverse and harsh.

To the contrary the punishing authority has taken a lenient approach by reducing stoppage of three increments with future effect to one annual increment with permanent effect.

We would thus not like to substitute our perception in place of the disciplinary authority as we do not find the exercise to be perverse or unduly harsh or based on illegality of procedure.

Hence, dismissed.

**(Mahesh Grover)**
**Judge**

06.05.2016 **(Lisa Gill)**
rekha **Judge**

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