

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.410 of 2016 (O&M)

Date of Decision: 11.07.2016

Tribhawan Vashisht

... Appellant

VS.

Registrar Cooperative Societies, Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. Shyam Singh Chhokar, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant is aggrieved by the order dated 07.01.2016 whereby learned Single Judge has dismissed his writ petition in which he challenged the order of punishment of stoppage of one annual grade increment with cumulative effect.

(2) The appellant is a Boiler Attendant in the Sangrur District Cooperative Milk Producers' Union Ltd.. He allegedly thrashed his superior and broke his teeth. The appellant was charge-sheeted. The allegations having been proved against him, the punishment of stoppage of two increments with cumulative effect was imposed. On appeal, the punishment was reduced vide order dated 01.03.1993 (P5) and only one increment with cumulative effect was stopped. Still dis-satisfied, the appellant made a representation to the Managing Director who further passed an order dated 10.06.1993 (P6) reducing the punishment to stoppage of one annual grade increment without cumulative effect. The later decision dated 10.06.1993 was not approved by the Board of Directors and resultantly, the earlier order dated 01.03.1993 *re:* stoppage of one annual grade increment with cumulative effect was restored. The aforesaid action of the authorities was

unsuccessfully challenged by the appellant before the learned Single Judge.

(3) We have heard learned counsel for the appellant at a considerable length and gone through the record.

(4) It is contended that the disciplinary proceedings against the appellant stood vitiated as copy of the enquiry report was not supplied to him nor any show cause notice on quantum of punishment was served. We are afraid such a plea cannot be entertained at the appellate stage as no such contention was raised before the learned Single Judge. Otherwise also, no serious prejudice can be said to have been caused to the appellant as the authorities have time and again shown their favourable inclination in reducing the original punishment at different stages. Keeping in view the gravity and nature of allegations proved, it cannot be said that the punishment finally imposed on him was disproportionate.

(5) No case to interfere with the order passed by the learned Single Judge is made out.

(6) Dismissed.

(Surya Kant)
Judge

11.07.2016
vishal shonkar

(Darshan Singh)
Judge