

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 1211 of 2016

Date of Decision: 08.02.2017

DINESH KUMAR KAUSHAL

... Petitioner

VS.

***PUNJAB STATE POWER CORPORATION LTD, PATIALA AND
OTHERS***

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. Y.P. Khullar, Advocate,
for the respondents.

KULDIP SINGH, J. (Oral)

The petitioner vide this writ petition under Articles 227 of the Constitution of India seeks issuance of writ of certiorari for quashing the impugned order dated 14.10.2015 (Annexure P-3) passed by the respondent No. 4 vide which a cut of 10% in pension of the petitioner for 12 years has been imposed.

Brief facts of this case are that the petitioner retired as Assistant Engineer from the office of respondent No. 5-Punjab State Power Corporation Ltd, Patiala (PSPCL). After his retirement, he was issued a show cause notice dated 12.11.2010, under regulation 10 read with regulation 5, Sub-clauses (i to iv) of the Punjab State Electricity Board Employees Punishment and Appeal Regulations, 1971 for issuance of minor penalty. After obtaining the reply of the petitioner, punishment order dated 14.10.2015 (Annexure P-3) was

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passed whereby a major penalty of a cut of 10% in pension of the petitioner for 12 years was imposed.

The grouse of the petitioner is that no regular enquiry was held for imposing the major penalty upon the petitioner.

I have gone through the regulation 10 read with regulation 5, Sub-clause (i to iv) of the Punjab State Electricity Board Employees Punishment and Appeal Regulation, 1971 wherein though in the heading, it is mentioned that it is a procedure for minor penalty but it is mentioned that no penalty specified in Sub-clauses (i) and (iv) of regulation 5 shall be made without holding an regular enquiry.

I am of the view that when the petitioner, who has already retired from service, is sought to be made liable for any pecuniary loss caused to the department, the department is required to hold regular enquiry and fix the responsibility and only thereafter impugned order could be passed.

In view of the foregoing discussion, the present petition is allowed and the impugned order dated 14.10.2015 (Annexure P-3) passed by the respondent No. 4 is hereby quashed. However, the respondents are given liberty to hold regular enquiry and pass appropriate orders, if they so desire.

February 8, 2017

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No