

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

C.W.P. No. 17389 of 2013

DATE OF DECISION:30.08.2017

Rajeev Kumar

.....Petitioner

Versus

Punjab State Power Corpn. Ltd. & Ors.

.....Respondents

**BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present:- Mr. Sandeep Arora, Advocate  
for the petitioner.

Ms. Sarita Sangar, Advocate  
for the respondents.

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**DAYA CHAUDHARY, J.**

The prayer in the present petition is for issuance of a writ in the nature of certiorari for quashing of impugned orders dated 14/18.2.2013 (Annexure P-5) passed by respondent No.3, vide which, order dated 5.7.2012 (Annexure P-3) passed by respondent No.4, whereby, two annual grade increments of the petitioner with cumulative effect have been stopped, has been upheld.

Briefly, the facts of the case as made in the present petition are that on 18.11.2009, Senior Executive Engineer (Enforcement), Kapurthala checked the electricity connection bearing No. GC-15/15 of Mehfil Restaurant in the jurisdiction of Sultanpur Lodhi, Sub Division No.1, Punjab State Power Corporation Limited (hereinafter referred to as 'the

PSPCL'). At that time, the electric meter of abovesaid connection was allegedly found to be running slow by 50.33% and it transpired that the electric wires of the meter were not properly connected. The petitioner was held responsible for wrong fixation of wires in the meter, which resulted in slow metering of said connection and allegedly caused financial loss to the PSPCL to the tune of ₹5,26,944/. On the basis of checking report dated 18.11.2009 submitted by Senior Executive Engineer, Kapurthala a chargesheet dated 24.9.2010 under the provisions of Regulation 8 of Punjab State Power Corporation (Punishment and Appeal) Regulations read with Regulation 5 (v to ix) was issued to the petitioner. The petitioner submitted reply to the said chargesheet denying the liability. Finding reply to be unsatisfactory, the punishment of stoppage of two annual grade increments with cumulative effect was imposed upon the petitioner vide order dated 5.7.2012. Aggrieved by the said order, the petitioner filed an appeal but the same was also dismissed by the appellate Authority vide order dated 14.2.2013.

Order dated 5.7.2012, vide which, punishment of stoppage of two annual grade increments with cumulative effect has been imposed upon the petitioner and order dated 14.2.2013 passed by the appellate authority, vide which, appeal filed by the petitioner was dismissed, are subject matter of challenge in the present petition.

Learned counsel for the petitioner submits that punishment awarded to the petitioner is in contravention of the rules and regulations and against the principles of natural justice. He also submits that before passing of impugned order not only regular inquiry was to be conducted but opportunity of hearing was also required to be given. Even the appellate

authority has not taken into consideration the grounds of appeal. At the end, learned counsel for the petitioner submits that both the orders are liable to be set aside.

Learned counsel for the respondents submits that the petitioner was given adequate opportunity by issuing chargesheet to which, the reply was submitted by him and regular inquiry was also conducted. Not only the statement of the petitioner was recorded but the statements of other witnesses were also recorded in the regular inquiry. The order passed by the appellate authority is well reasoned and the charges levelled against the petitioner were proved and no interference is required in the impugned orders.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

Facts relating to issuance of chargesheet and filing reply thereto are not disputed. It has also not been disputed that a penalty of imposition of stoppage of two annual grade increments with cumulative effect was imposed upon the petitioner.

Petitioner submitted reply to the chargesheet and denied all the allegations. Agreeing with the findings recorded by the inquiry officer, the competent authority imposed punishment of stoppage of two annual grade increments with cumulative effect. A departmental regular inquiry was conducted as per Rule 8.2 read with Rule 9 of the Punjab State Power Corporation (Punishment and Appeal) Regulations, 1971. The petitioner was found guilty and charges were proved against him. The petitioner was given an opportunity to file his explanation and after examination of witnesses a detailed inquiry report was submitted and thereafter action was

taken. In the inquiry report, details of charges were mentioned and stand of the petitioner was also considered. The petitioner as well as other witnesses were cross-examined. After considering the statements of the petitioner and other witnesses, the allegations levelled against the petitioner in the chargesheet were found to be proved. It cannot be said that the impugned order was passed without holding any regular inquiry. Hon'ble the Apex Court in the case of **Canara Bank Vs. V.K. Awasthy** 2005 AIR (SC) 2090 has held that principles of natural justice are those which have been laid by the Courts as being minimum protection of rights of individual against arbitrary procedure that may be adopted by the judicial, quasi judicial and administrative authority.

The argument of learned counsel for the petitioner does not carry any weight as not only departmental inquiry was conducted but the petitioner was also given adequate opportunity not only to file reply to the chargesheet but was associated in the regular departmental inquiry as well before imposition of punishment of stoppage of two annual grade increments. The impugned order cannot be said to be passed against the principles of natural justice. The only ground taken in the appeal was that no opportunity of personal hearing was given to the petitioner and imposition of punishment of stoppage of two annual grade increments was very harsh. The appellate authority has considered the grounds of appeal and detailed order was passed. The appellate authority has specifically stated in its order that the reply submitted by the petitioner, departmental inquiry report and the order passed by the competent authority were taken into consideration. It has also been mentioned that the proper procedure was adopted but the appellant did not produce anything in his defence

except the documents which were on record.

Keeping in view the facts and law position as discussed above, there is no merit in the arguments advanced by learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

August 30, 2017  
pooja

**(DAYA CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
Yes