

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

CWP No.12776 of 2017

Date of Decision: 02.12.2017

Bharat Ram

....Petitioner

Versus

Punjab State Cooperative Agricultural
Development Bank Limited, Chandigarh
through its Managing Director and another

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Manjit Singh Sarao, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present petition has been filed for quashing of impugned order dated 27.03.2009 (Annexure P-1), whereby, order of stoppage of one annual increment without cumulative effect has been passed.

Briefly, the facts of the case as made out in the present petition are that while working as Field Officer, the petitioner was issued a charge sheet on 13.06.2005 and on culmination of disciplinary proceedings, he was issued a Show Cause Notice dated 30.10.2008 for stoppage of one annual increment without cumulative effect and punishment was awarded on 27.03.2009 after filing reply to Show Cause Notice.

Learned counsel for the petitioner submits that the increment of the petitioner was due on 01.02.2009 and the same has been stopped as proposed in the Show Cause Notice. Said punishment as proposed in order

dated 30.10.2008 was confirmed vide order dated 27.03.2009. Learned counsel further submits that respondent No.2, vide order dated 22.08.2009, instead of withholding annual increment as proposed in Show Cause Notice, allowed increment due on 01.02.2009 to the petitioner. The annual increment due on 01.02.2010 was stopped for one year vide order dated 23.02.2011. Learned counsel further submits that because of action of the respondents, juniors to the petitioner were promoted. The promotion of the petitioner was due on 25.01.2011. Total 22 Field Officers and 48 Accountants juniors to the petitioner were promoted but the promotion of the petitioner was withheld because of stoppage of annual increment. Learned counsel also submits that the petitioner should have been considered for promotion along with his juniors on 25.01.2011 but due to action of the respondent authorities, he was not considered for promotion. It is also the argument of learned counsel for the petitioner that the allegations in the charge sheet relates to the year 2005 and the Show Cause Notice was issued on 30.10.2008 and ultimately, the increment for the year 2010 was stopped. There was inordinate delay in disposal of the disciplinary proceedings.

Heard the arguments of learned counsel for the petitioner and have also perused the impugned order as well as other documents available on the file.

The petitioner is aggrieved by action of the respondents that his annual increment, which was due on 01.02.2010 was stopped for one year and juniors to him were promoted on 25.01.2011. The imposition of punishment is always prospective and not retrospective. The punishment was awarded after conclusion of the proceedings and there is no reason to

stop the increment before passing of impugned order of punishment.

Learned counsel for the petitioner has not been able to show any law, provision or judgment in support of his arguments. Meaning thereby, the punishment was awarded to the petitioner not only after issuance of Show Cause Notice but after giving the opportunity of hearing and as such, the impugned order cannot be said to be bad in law in any manner as principles of natural justice have been followed while passing the impugned order.

In view of the above, the present petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

02.12.2017

gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No