

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5353-2015 (O&M)

Date of decision: 23.10.2017

Inder Singh Ex AG III (D)

...Petitioner

V/s.

**The Executive Director (North),
Food Corporation of India and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. K.S. Rekhi, Advocate for the petitioner.

Ms. Jatinder Jit Kaur, Advocate with
Mr. Ish Puneet Singh, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

The petitioner has challenged the validity of order dated 24/28.04.2014 (Annexure P-9) and further sought direction to respondent No. 2 to implement order dated 13.12.2002 (Annexure P-1) by which the petitioner has been extended the benefit of selection grade.

Undisputed facts are that as on 13.12.2002 the date on which petitioner was extended the benefit of selection grade (not implemented), he was facing two disciplinary proceedings which were initiated on 09.07.2002 and 25.10.2002. Both were concluded and resulted into imposition of penalty on 06.01.2003 and 02.02.2004 respectively, like recovery of Rs.2,425 and warning. However on 24.01.2005, petitioner was promoted to the post of Assistant Grade II (D). The petitioner is stated to have not accepted promotion order dated 24.01.2005. In this background, he has attained the age of superannuation and retired from service on 31.12.2010.

The respondents resorted to cancel the extended benefit of selection grade

dated 13.12.2002 on 24/28.4.2014 stating that the petitioner is not entitled for selection grade with reference to pendency of disciplinary proceedings and imposition of penalty on 06.01.2003 and 02.02.2004. Further the petitioner failed to accept promotion to the post of Assistant Grade II (D) on 24.01.2005.

No doubt, petitioner is not entitled for selection grade as and when it was due to him on 13.12.2002 due to pendency of disciplinary proceedings initiated on 09.07.2002 and 25.10.2002. These were concluded by imposing the penalty of recovery and warning on 06.01.2003 and 02.02.2004 respectively. In view of these facts and circumstances, the petitioner is entitled to selection grade after the completion of second enquiry on 02.02.2004, the date on which warning/punishment was imposed. Therefore, order dated 24/28.04.2014 (Annexure P-9) is set aside. The respondents are hereby directed to extend the benefit of selection grade to the petitioner from 03.02.2004 and extend consequential benefits till attaining age of superannuation and retired from service on 30.12.2010. The respondents are further directed to calculate difference of amount and disburse the same to the petitioner within a period of four months from the date of receipt of certified copy of the order. Further if any change in retiral benefits even the same shall be extended.

With these observations, petition stands allowed.

(P.B.BAJANTHRI)
JUDGE

October 23, 2017
Divyanshi

Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**