

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

CWP No.26021 of 2017

Date of decision : 15.11.2017

Anil Kumar

.....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. O. N. Sharma, Advocate for the petitioner.

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DAYA CHAUDHARY, J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ for quashing of order of suspension dated 10.01.2012 (Annexure P-3), charge-sheet (Annexure P-6), enquiry report (Annexure P-13), order of punishment dated 12.05.2014 (Annexure P-11), transfer order dated 04.04.2013 (Annexure P-8) and also transfer order dated 08.08.2013.

Briefly, the facts of the case as made out in the present petition are that the petitioner was suspended, charge-sheeted, transferred frequently by respondent-authorities due to their *mala fide* action and was ultimately punished vide order dated 12.05.2014 whereby punishment of stoppage of one annual increment without cumulative effect was passed.

Learned counsel for the petitioner submits that the order of suspension was revoked during pendency of writ petition No.177 of 2013

filed by the petitioner but subsequently, he has been punished by stoppage of one annual increment without giving any opportunity of hearing and without following the principles of nature justice.

Heard arguments of learned counsel for the petitioner and have also perused the orders on the file.

The petitioner is aggrieved by the action of the respondents whereby he has been harassed by placing him under suspension, passing of frequent transfer orders and imposition of punishment of stoppage of one annual increment without cumulative effect. The only argument which has been raised by learned counsel for the petitioner is that the petitioner has been harassed and victimized by respondents with *mala fide* intention and punishment has been awarded without issuing any notice and without giving any opportunity of hearing, which amounts to non-compliance of principles of natural justice. The order of suspension was passed on 10.01.2012, petitioner was transferred vide order dated 04.04.2013 and the punishment was awarded on 12.05.2014. Earlier also he filed CWP No.13554 of 2012, when he was not granted subsistence allowance during period of suspension and said writ petition was disposed of accordingly vide order dated 30.10.2012 and thereafter the subsistence allowance was granted. However, a liberty was given for submitting his claim for revised substance allowance in accordance with law and to challenge the impugned order of suspension. He was reinstated during pendency of the inquiry vide order dated 29.07.2013. On perusal of order dated 12.05.2014 it shows that the inquiry officer was appointed to inquire into the allegations against the petitioner as

he was charge sheeted. The said order of suspension was also challenged by way of filing CWP No.177 of 2013 before this Court and he was reinstated vide order dated 19.02.2013. During pendency of the departmental proceedings, a charge-sheet was issued to him levelling certain allegations regarding denial of taking of timetable, inhuman treatment and abusing the students and threatening them for lodging FIR and also for spoiling atmosphere in the school. The allegations were also levelled regarding causing loss to the studies of the students and for non-cooperation with the management of the school. Subsequently, the inquiry officer was appointed to inquire into the charges which were levelled against him and charge No.1 was proved against him. He was heard in person on 07.05.2014 and ultimately, by taking a lenient view punishment of stoppage of one annual increment without cumulative effect was awarded vide order dated 12.05.2014.

It cannot be said that he was not given any opportunity of hearing. Stoppage of increment without cumulative effect is a minor punishment and for that opportunity is not required to be given but still that was given to him. It cannot be said in any manner that the impugned order is bad in law.

By considering the submissions and on perusal of orders available on the file, I find no reason to interfere as not only unexplained delay is there in approaching the Court as impugned orders were passed in the year 2012, 2013 and 2014 but even no satisfactory explanation has come on record, either from the averments made in the writ petition or in the

arguments and as such the present petition being devoid of any merit is hereby dismissed.

However, it is made clear that in case the petitioner is aggrieved by the latest transfer order, he is at liberty to avail the appropriate remedy to challenge the order of transfer.

15.11.2017

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No