

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7537-2014 (O&M)
Date of Decision:-10.05.2017.

Lal Ban

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

CM-5217-CWP-2017

CM for bringing on record the legal representative of the petitioner as mentioned in para 3 of the application is allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

Amended memo of parties is taken on record.

CM-5218-CWP-2017

Heard CM for early hearing. CM is allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

With the consent of both the parties, main matter is taken up for hearing today itself.

CWP-7537-2014

The petitioner has questioned the validity of the order dated 4.12.2012 and 31.01.2013 vide Annexures P-8 and P-9, respectively by which the first respondent as a disciplinary authority has imposed the

penalty of withholding of annual increment with cumulative effect. After receipt of the Inquiry Officer's report by the disciplinary authority, the disciplinary authority has issued a second show cause notice along with the Inquiry Officer's report for which the petitioner has submitted his explanation on 21.8.2006 Annexure P-3 in which he has raised certain grounds in particularly with reference to para No.135 of the Haryana Registration Manual to contend that the petitioner is not involved in misdeed which is the charge against the petitioner. He has also taken other contentions whereas the disciplinary authority while imposing the penalty has not considered each and every contention of the petitioner. It was stated that *"the concerned has submitted his reply to the second show cause notice and repeated the same argument as stated earlier also"*. Except this, nothing has been discussed relating to consideration of objections to the Inquiry Officer's report. Therefore, the orders dated 4.12.2012 and 31.01.2013 (Annexures P-8 and P-9), respectively passed by the disciplinary authority in imposing the penalty on the petitioner is hereby set aside and the matter is remanded to the disciplinary authority to pass a fresh order after due consideration of the petitioner's contention in Annexure P-3. The above exercise shall be completed within a period of 3 months from today.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

May 10, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.