

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5552 of 2017 (O/M)
Date of decision : 17.3.2017

Om Parkash Gurah

..... Petitioner (s)

Versus

State of Haryana and another

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Lalit Rishi and Mr. Yash Pal Markan, Advocates,
for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner has impugned the order dated 28.11.2013 (Annexure-P-23), vide which punishment of 10% cut in the pension was imposed permanently. He has also challenged the order dated 3.11.2016 (Annexure-P-25), passed by respondent No. 1-appellate authority, which while upholding the said order of punishment, 10% cut in pension permanently was reduced to 5%. It comes out that the petitioner was working as a Treasury Officer, Jind, and superannuated on 28.2.2011. He was served with a chargesheet during his service on 18.1.2011, vide Annexure-P-9. On 7.5.2010, the petitioner was suspended for dereliction of duty (Annexure-P-4). As per the chargesheet, as many as 6 charges were levelled against the petitioner. After the regular inquiry, except allegation No. 4, all the charges were proved, vide Annexure-P-20 and the punishment order dated 28.11.2013 (Annexure-P-23) was passed. The learned counsel for the petitioner has argued that the petitioner was not at

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fault. He has also referred to the office noting, vide which it was suggested that fresh inquiry be got conducted from a retired Judicial Officer.

I am of the view that the findings have been given by the inquiry officer and are affirmed by the appellate authority. This Court is not to replace its findings with the findings of the inquiry officer. The department has already taken a lenient view of 5% permanent cut in pension. Therefore, on the merits, this Court cannot interfere in the findings of the inquiry officer. Hence, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

17.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No