

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

CWP 14347/2010 (O&M)

Date of decision:26.07.2018

Baldev Singh Ex-Conductor

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Padam Kant Dwivedi,Advocate for the petitioner

Mrs.Sudipti Sharma,Addl.AG Punjab for respondents.

Jaswant Singh,J,(Oral).

By way of present writ petition, petitioner is seeking a writ of certiorari quashing the impugned orders dated 21.2.2007 (Annexure P-1) whereby he was compulsorily retired, as also the order dated 13.9.2017(P-2) whereby his statutory appeal was dismissed by the Appellate Authority.

Briefly noticed,petitioner was appointed to the post of Conductor in Punjab Roadways in the year 1984. On 11.4.2004 during inspection by the Central Flying Squad it was found that petitioner did not issue tickets worth Rs.200/- to the passengers and was carrying old tickets worth Rs.2793/- in his cash bag with an intent to commit embezzlement. On the basis of said report a regular departmental enquiry was held. The inquiry officer found petitioner guilty of the charges. Thereafter petitioner was issued a show cause notice for imposition of major punishment. Petitioner was afforded personal hearing and thereafter he was compulsorily

retired from service w.e.f. 28.2.2007. His statutory appeal was dismissed by

the appellate authority. Hence the present writ petition.

Notice of motion was issued.

Reply by way of counter affidavit of Kulwant Singh Ghuman, General Manager, Punjab Roadways, Ferozepur has been filed on behalf of respondents.

Heard learned counsel for the parties and perused paperbook carefully.

On behalf of petitioner it is urged that the enquiry was not held in accordance with principles of natural justice and hence the impugned orders are liable to be set aside.

In the written statement it has been stated that the impugned order dated 21.2.2007(P-1) was passed as a measure of penalty after holding regular departmental enquiry. During enquiry it was found that 14 passengers were not issued tickets worth Rs.200/- and further it was proved that petitioner was keeping old tickets worth Rs.2793/- in his cash bag to commit embezzlement by reissuing the same. It has further been stated that the punishment/appellate/order rejecting mercy petition were passed in accordance with Punjab Civil Services (Punishment and Appeal Rules) 1970.

As regards past conduct of the petitioner, it has been stated that petitioner, at the time of his compulsory retirement was still at initial basic pay and had not earned any increment during his entire service. He had been awarded a number of punishments from time to time and his 10 increments without cumulative effect and 21 with cumulative effect were stopped besides being awarded the punishment of censure of service more than 10 times.

Keeping in view the gravity of charges,which stood proved during regular departmental enquiry, and service record of the petitioner this Court finds that the procedure provided for imposition of punishment has been duly followed and the findings recorded are neither perverse nor irrational and the punishment imposed is neither disproportionate nor arbitrary. Therefore, in view of the parameters enumerated in disciplinary matters by Hon'ble the Supreme Court in **S.R. Tewari Vs. Union of India and Anr. (2013)6 Supreme Court Cases 602**, no case for interference is made out.

Dismissed.

26.07.2018

joshi

(Jaswant Singh)

Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No