

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 17176 of 2013 (O&M)

Date of Decision: 04.10.2018.

Raj Singh

... Petitioner

Versus

The Punjab State Power Corporation Limited and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. R.S. Pandher, Advocate,
for the petitioner.

Mr. Parminder Singh-I, Advocate,
for the respondents.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioner seeks setting aside of order dated 30.05.2013 (Annexure P-8) passed by Deputy Secretary (Technical-1), Punjab State Power Corporation Limited, (for short "PSPCL"), Patiala vide which one annual increment of the petitioner had been stopped; and for setting aside order dated 04.07.2011 (Annexure P-3) and charge-sheet dated 15.05.2012 (Annexure P-4) issued by Deputy Secretary, Technical-I, PSPCL, Patiala.

The petitioner has been working as Additional Assistant Engineer/J.E.-1 with the PSPCL. While posted at Distribution Sub Division, Chaurwala, he was served charge-sheet with the allegations that on 02.07.2011 he was not present in 'Change of Name Camp' held at the Sub Division office, Chaurwala and thereby

he disobeyed the orders of the higher authorities, therefore, one annual increment of the petitioner was ordered to be stopped. It has been contended that on 02.07.2011 the petitioner was assigned the duty of monitoring the supply position at control room set up at 66 kv sub station, Khanna in the morning shift from 8.00 am to 5.00 pm. The petitioner remained present at the above said 66 kv sub station, Khanna and marked his presence in the presence register thus, was wrongly suspended on the allegations of being absent at the 'Change of Name of Camp' held at the office of Sub Division Chaurwala, therefore, the impugned orders are bad in law and liable to be set aside.

On the other hand, the stand of the respondents is that the petitioner was directed to hold the 'Change of Name Camp' (for tubewell connections) in his office and Senior Executive Engineer, Sirhind had issued instructions on telephone on 01.07.2011 that on 02.07.2011, 'Change of Name Camp' should be organized in his office. In case the petitioner was directed to perform duty in the control room set up at 66 KV sub station, Khanna for the monitoring of supply then the petitioner ought to have made an alternative arrangement to organize the camp in the office by directing his revenue staff. The Revenue staff office room was found locked at that time when Director, Distribution himself visited petitioner's office on 02.07.2011. Otherwise also, the punishment awarded to the petitioner is just and fair.

Heard.

It is to be noticed that the petitioner was present on duty on 02.07.2011. He was on his duty of monitoring the supply position at control room set up at 66 kv sub station, Khanna in the morning shift from 8.00 am to 5.00 pm. The petitioner remained present at the above said 66 kv sub station, Khanna and marked his presence in the presence register, therefore, he cannot be said to have absented from his duty. Otherwise also, punishment of stopping the annual increment appears to be disproportionate to the default.

Consequently, the present civil writ petition is allowed. The impugned order (Annexure P-8), order (Annexure P-3) and charge-sheet (Annexure P-4) are hereby set aside. The respondents are directed to release the consequential financial and other benefits to the petitioner within a period of two months from the date of receipt of certified copy of the order.

04.10.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No