

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

CWP No.14404 of 2015 (O&M)

Date of decision: 01.08.2018

Harpreet Singh

...Petitioner(s)

Versus

Punjab State Power Corporation Ltd., and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Varinder Shukla, Advocate for the petitioner(s).

Ms. Meena Bansal, Advocate for the respondents.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks issuance of a writ in the nature of certiorari/mandamus for quashing the impugned order dated 28.05.2013 (Annexure P-1) passed by respondent No.2 whereby a major punishment of stoppage of three increments with cumulative effect was imposed upon the petitioner and order dated 17.10.2014 (Annexure P-4) passed by respondent No.3 vide which the appeal of the petitioner was rejected.

The sole argument raised on behalf of the petitioner is that the enquiry was conducted in an indiscreet manner and not in consonance with the Regulation 8 of PSEB employees (Punishment & Appeal) Regulation 1971. The enquiry report was not supplied to the petitioner before imposing the punishment. Moreover, the petitioner

has been discriminated against as only a minor punishment had been imposed on other employees who had been charge-sheeted along with the petitioner, whereas, punishment given to the petitioner is harsh and dis-appropriate.

On the other hand, learned counsel for the respondents submits that the enquiry officer after considering the entire material on record held the petitioner guilty and, therefore, has rightly awarded the punishment to the petitioner.

Heard, learned counsel for the parties and perused the record.

A perusal of the record shows that the petitioner along with other co-employees was found responsible for various irregularities regarding theft of energy. On the basis of complaint, an enquiry was conducted by the respondent-Department wherein the petitioner was found guilty and accordingly, the impugned punishment order was passed against the petitioner. As per record, the petitioner was given ample opportunities to project his case and he had also cross examined the witnesses. The argument of learned counsel for the petitioner that the enquiry report had not been supplied to the petitioner before imposing the punishment upon the petitioner is negated by the fact that the enquiry report was duly sent to the petitioner for rebuttal vide registered letter No.478 dated 21.01.2013 and the petitioner in response thereof had submitted his rebuttal on 19.03.2013. The enquiry

officer after considering each aspect of the matter awarded the punishment to petitioner and other co-employees on the basis of their role, which in the considered opinion of this Court is just and reasonable.

Finding no merit in the instant petition, the same is dismissed.

01.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No