

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

CWP No.19850 of 2013 (O&M)

Date of decision: 26.09.2018

Kuldeep Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Peeush Gagneja, Advocate for the petitioner(s)

Ms. Sunint Kaur, AAG Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks quashing of report dated 21.03.2012 (Annexure P-1), impugned order dated 19.06.2012 (Annexure P-2) passed by respondent No.2, whereby one annual increment had been stopped and order dated 06.08.2013 (Annexure P-7) passed by respondent No.1 vide which the appeal of the petitioner had been dismissed.

The petitioner was Adda conductor in the respondent department at the relevant time and was deputed for centralized advance booking and was also to stop the illegal operation of any private bus during the time of Punjab Roadways Bus from Bus Stand Abohar. It is asserted that on the basis of enquiry report, the petitioner

alone was awarded punishment of stopping one annual grade increment without future effect, whereas one Inspector Jai Pal Singh who also had been found guilty during enquiry was let off after recording remarks that 'service rendered by Jai Pal Singh is condemnable'. He further states that in fact the petitioner had been wrongly held responsible for the negligence, whereas the other employees who were posted at Bus Stand Abohar were not charge sheeted. The buses of Abohar Bahawal Transport Company which were plying outside the bus stand were not at the counter and even the slip of adda fee had not been issued to those buses.

On the other hand, learned State counsel submits that the petitioner was assigned duty to work as Adda conductor at bus stand Abohar and on the relevant day, two private bus operators were found operating their buses by the checking staff during the time allotted to the Punjab Roadways on the basis of which the petitioner was charge sheeted and found guilty of negligence in the departmental proceedings by virtue of which the impugned orders have been rightly passed against the petitioner.

Heard.

The petitioner was charge sheeted on account of negligence in duty while posted as Conductor at Bus Stand Abohar for centralized advance booking and to stop the illegal operation of any private bus during the time of Punjab Roadways bus from the bus

stand, whereas on 18.08.2010, on checking by the flying squad two buses of private operators were found which were being plied illegally. From the perusal of record, it transpires that on the relevant day, the other employees were also doing the duty of adda conductor; Incharge Baldev Raj Inspector and Hira Singh Sub Inspector who were on duty to get advance booking of all buses and to stop special private buses have submitted written report to the effect that one private bus bearing No.8355, the driver conductor of that bus tried to ply during the roadways time which was stopped due to which the contractor of bus started quarrelling with them. The said report given to the competent authority also bears the signatures of the petitioner given by other employees which proves that the petitioner had objected to the act of plying the buses by private operators at the relevant time. It has not come on record that as to why only the petitioner has been targetted and charge sheeted despite the fact that other employees were also present on that day. The action of the respondent department in discriminating between the petitioner and his co-employee Jai Pal Singh, Sub Inspector, who has been very conveniently let off with a censure, smacks of mala fide and is violative of Articles 14 & 16 of the Constitution of India. The State being a model employer cannot be permitted to act whimsically and arbitrarily. It has social obligation to treat like employees in like manner. In the instant case, the conduct of the respondents falls short of expectation of a model employer.

Keeping in view the above, the present petition is allowed. Consequently, the report dated 21.03.2012 (Annexure P-1), impugned order dated 19.06.2012 (Annexure P-2) passed by respondent No.2, whereby one annual increment has been stopped illegally and order dated 06.08.2013(Annexure P-7) are hereby set aside. The respondents are directed to grant the admissible relief in favour of the petitioner within a period of three months from the date of receipt of a certified copy of this order.

26.09.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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