

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

CWP-22055-2016

Date of decision: 30.1.2018

Tarsem Lal

...Petitioner

Versus

PSPCL and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.ID Singla, Advocate for the petitioner

Mr.Munish Thakur, Advocate for the respondents

JITENDRA CHAUHAN, J.

The present writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 4.3.2013 (Annexure P-1) passed by respondent No.2 whereby while partially modifying the office order No.129 dated 27.2.2013 stopping two annual increments of the petitioner with cumulative effect, permanent cut of 6% in the pension granted to him was imposed; order dated 31.8.2015 (Annexure P-2) passed by respondent No.3, vide which the order dated 4.3.2013 (Annexure P-1) was affirmed; and also for issuance of a writ in the nature of mandamus directing the respondents to refund Rs.92,048/- deducted from the salary of the petitioner on account of shifting of 11 KV line alongwith interest.

Learned counsel for the petitioner submits that the petitioner has been punished thrice; firstly, by stoppage of two increments with cumulative effect, which is a major penalty; secondly, putting a permanent cut to the extent of 6% in pension; and thirdly, recovery of Rs.92,048/- from his salary without any fault on his part. Even the consumer himself had deposited shifting charges alongwith penalty amounting to Rs.1,31,312/-.

On the other hand, learned counsel for the respondents-Department states that the petitioner has been punished only once through imposing 6% cut in pension. The amount deposited by the petitioner i.e. Rs.92,048/- has been returned to him.

Learned counsel for the parties have been heard and perused the case file.

The moot question is whether the petitioner has been awarded multiple punishments on single count?

As per the record, the petitioner, a Junior Engineer (Electrical), being incharge of Nangal Lubana Feeder of 100 K.V.A, on Government Tubewell No.47, illegally shifted 11 K.V. L.T. Line. A show cause notice was issued to the petitioner and finding the reply of the petitioner to be unsatisfactory, a charge sheet was issued against him. Thereafter, Sub Divisional Officer, Begowal after conducting the enquiry vide Memo No.898 dated 7.7.2011 sent the report observing therein that for shifting the L.T. Line, the employee appears to be solely responsible, regarding which estimate No.13356/2011-12, amounting to Rs.1,31,312/- was prepared,

though the said amount was deposited by the consumer. Vide order No.129 dated 27.2.2013, Deputy Chief Engineer, for Chief Engineer/ Distribution (North) Jalandhar, two annual increments of the petitioner were stopped with future cumulative effect. However, Deputy Chief Engineer, vide order dated 4.3.2013 (Annexure P-1), modified the order No.129 dated 27.2.2013, whereby the two annual increments were stopped with cumulative effect subject to decision in the chargesheet No.C-38 dated 1.2.2012 and permanent cut of 6% in pension to the petitioner is imposed, because the punishment inflicted upon him, would be effective after his retirement i.e. 31.3.2013. The appeal filed against the said order was also dismissed vide order dated 31.8.2015 (Annexure P2).

Vide order dated 27.2.2017, the Deputy Chief Engineer, for Chief Engineer/ Distribution (North), Jalandhar, after considering the enquiry report dated 9.11.2012, wherein the petitioner was found to be guilty, had ordered that as per Regulation 5 (V to IX) of the Punjab State Electricity Board (now Punjab State Power Corporation Ltd.), Punishment and Appeal Regulation, 1971, two annual increments of the petitioner were stopped with future cumulative effect. The petitioner was to retire on 31.3.2013. The answering respondent realizing that the petitioner was going to retire on 31.3.2013, therefore, the punishment imposed upon him vide order dated 27.2.2013 would have carried no effect because by the time the effect of punishment was to take place in the month of June, 2013, he would have retired in the month of March, 2013. Therefore, vide order

dated 4.3.2013, the order dated 27.2.2013 was amended and altered the punishment awarded to the petitioner from stoppage of two annual increments with cumulative effect to a permanent cut of 6% in the pension to be paid to the the petitioner. Further, in the reply it has been averred that after passing of order of recovery from the salary of the petitioner, the consumer had deposited the due penalty of Rs.1,31,312 on 7.10.2011, therefore, the amount recovered from the petitioner has been returned to him vide cheque No.695253 dated 28.6.2017. Thus, the assertion of multiple punishments is without any substance.

In view of the above, the present writ petition is dismissed being devoid of merit.

30.1.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No