

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

(I) CWP-24225-2014 (O&M)
Date of decision : 30.10.2018

Romesh Kumar Chopra

...Petitioner(s)

Versus

Punjab State Power Corporation Ltd. and others

...Respondent(s)

(II) CWP-14528-2016 (O&M)
Date of decision : 30.10.2018

M.P.S. Dhillon

...Petitioner(s)

Versus

Punjab State Power Corporation Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Aalok Jagga, Advocate,
for the petitioner in CWP-24225-2014.

Mr. Animesh Sharma, Advocate,
for the petitioner in CWP-14528-2016

Mr. Parminder Singh, Advocate,
for the respondents in CWP-24225-2014.

Mr. Manoj Chadha, Advocate,
for the respondents in CWP-14528-2016.

JITENDRA CHAUHAN, J.

This judgment shall dispose of above-noticed two writ petitions
as common questions of fact and law are involved therein. However, the

facts are being derived from CWP-24225-2014, for the sake of brevity.

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari, quashing order dated 10.07.2013 (Annexure P-13), passed by respondent No.2, whereby, punishment of stoppage of one annual increment has been imposed upon the petitioner; and order dated 05.09.2014 (Annexure P-15), passed by respondent No.1, thereby, dismissing the appeal preferred against impugned order (Annexure P-13).

It is the case of the petitioner that one Gurjant Singh, who joined the services of the respondent-Board in the month of November, 1967 as Assistant Lineman and retired from services as Junior Engineer on 30.09.2006, preferred CWP No.8367 of 2009, which was decided on 18.01.2011 (Annexure P-1), operative portion whereof, reads thus:-

“9. The respondents are directed to release the deducted amount in favour of the petitioner on his furnishing indemnity bond(s) to the satisfaction of the competent authority, however, with liberty to the respondents to proceed afresh in accordance with law, if so advised.

10. The needful shall be done within a period of three months from the date of receipt of a certified copy of this order.”

The needful was done by the petitioner on receipt of indemnity bonds from said Gurjant Singh. The necessary documents for release of the payment were prepared by the Accounts Branch, which was released by the petitioner being the Drawing and Disbursing Officer. The information to

the Legal Section of the respondent-Board and the Chief Engineer was also sent. It is asserted that the remaining part of the direction i.e. to proceed afresh against said Gurjant Singh in accordance with law, was to be performed either by the Chief Engineer or the Deputy Chief Engineer.

On behalf of the Corporation, it is asserted that the Deputy Chief Engineer, in fact, had delegated the authority in this matter in favour of the petitioner. The petitioner was negligent in performing his duty while not preparing and sending the case file of Gurjant Singh for reviewing the matter by the Senior Officials in compliance of the second part of the direction of this Court.

Heard.

The only allegation against the petitioner is that he had released the payment to said Gurjant Singh on 26.04.2011 after obtaining indemnity bond but did not send the case for review as per the liberty given by this Court, however, there is no document on record with regard to such delegation of power. Therefore, in the considered opinion of this Court, the directions were to be complied with either by the Chief Engineer or the Deputy Chief Engineer. If anybody is responsible for dereliction of duties, it is the Chief Engineer or the Deputy Chief Engineer and not the DDO and/or the Accountant, who are at the bottom of the hierarchy.

In view of the above, the instant petitions are allowed; impugned orders (Annexures P-13 and P-15) are hereby quashed; and the consequential benefits are ordered to be released in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this judgment.

A photocopy of this judgment be placed on the file(s) of the connected case(s).

30.10.2018
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(JITENDRA CHAUHAN)
JUDGE

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