

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

CWP 26202/2015

Date of decision:16.01.2018

Amarjeet Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Sanjeev Kumar,Advocate for the petitioner.
Ms.Lavanya Paul,AAG Punjab for respondents 1 and 2.
Mr.Kawaljyot Singh,Advocate for respondent no.3.

Jaswant Singh,J,(Oral).

Petitioner, a Class IV employee working with respondent no.3 has laid challenge to the order dated 5.5.2014(P-7) whereby he has been compulsorily retired. Further challenge is to the appellate order dated 1.4.2015 (P-9) vide which his appeal challenging punishment order P-7 has also been dismissed.

Notice of motion was issued.

Separate replies have been filed on behalf of respondents 1 & 2 and 3.

It is borne out from the records that a charge sheet dated 3.6.2013 (P-2) was served upon the petitioner for having been found under the influence of liquor on 1.4.2013 at about 11.30 pm while performing the duty of Security Guard; misbehaving with senior officers; carelessness towards his duty; disobeying orders of the seniors; not replying to the official correspondence; as also spoiling the image of the employer Institute.

Petitioner filed his reply to the charge sheet admitting therein that he used to take liquor. His reply having been found unsatisfactory, disciplinary proceedings were initiated. After due inquiry, Inquiry Officer found petitioner guilty on all counts. Thereafter a show cause notice dated 11.4.2014 (P/5) was issued to him contemplating imposition of punishment of termination under Punishment and Appeal Rules, 1970. Petitioner submitted a detailed reply dated 21.4.2014 (P/6) which was considered by the punishing authority and thereafter the impugned order dated 5.5.2014 (P-7) imposing penalty of compulsory retirement was imposed. Aggrieved against the same, petitioner filed an appeal which too was dismissed by the Appellate Authority vide order dated 1.4.2015 (P/9). Hence the present petition.

After hearing the learned counsel for the parties and going through the paperbook with their able assistance, I find no ground to interfere in the instant petition.

Petitioner, who was working in respondent no.3, an Educational Institute has been found guilty of having been found under the influence of liquor while on Security Guard duty, misbehaving with his seniors, negligence in duty, disobeying orders of the seniors and sully the image of the employer Institute by his misconduct. He has been afforded full opportunity before imposing lesser penalty of compulsory retirement, though in the show cause notice served upon him his termination was contemplated. Perusal of record would further show that prior to his compulsory retirement, petitioner was earlier also imposed penalty of stoppage of three increments for remaining absent from duty, consuming liquor on duty, misbehavior with senior officer and negligence towards his

duties vide order dated 5.8.2011 (R-3/T). It may be noticed here that respondent no.3 is a Government Institute of Leather and Footwear Technology,Jalandhar. In the medical report dated 2.4.2013 it was observed that the petitioner had consumed excessive liquor.

It is well settled law that in disciplinary proceedings scope of interference is very limited. Furthermore, keeping in view the conduct of the petitioner and nature of punishment awarded, in my opinion, already a lenient view has been taken by the punishing authority and no further indulgence is warranted by this Court.

Dismissed.

16.01.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No