

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21776 of 2018

Date of Decision: 17.09.2018

Sanjeev Prabhakar

... Petitioner

Versus

The Punjab State Power Corporation
Limited and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. Notice of motion.
2. On the asking of the Court, Mr. Harmanjit Singh Thiara, Advocate on the panel of the Corporation accepts notice on behalf of the respondents and waives service on them. Copy of the petition has been handed over to Mr. Thiara.
3. The petitioner has been awarded punishment of withholding of one increment without cumulative effect on a show cause notice issued to him for committing minor misconduct. The order was passed on September 06, 2017 (P-1). An appeal is provided against the order of penalty to the appellate authority in the Corporation. The period of limitation of appeals prescribed in Regulation 21 is 90 days. The provision reads as follows:-

“21. No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of 90 days from the date on which a copy of the order appealed against is delivered to the appellant.”

4. The petitioner says that the order was communicated and delivered to him on October 27, 2017 vide receipt Annex P-2. The appeal has been rejected on the ground of limitation holding it has not been filed during the prescribed 90 days. The order suffers from patent error as it calculates limitation from the date of the passing of the order. The same has been passed without paying regard to the acknowledgement receipt Annex P-2. The petitioner brought this fact to the notice of the authorities that the appeal was presented within time but that has not been considered.

5. In view of these facts and circumstances, the petition is allowed. The impugned order is quashed. The appellate authority is directed to decide the appeal on merits by treating it as filed within limitation i.e. within 90 days from the date of delivery of the order to the petitioner.

(RAJIV NARAIN RAINA)
JUDGE

17.09.2018
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Whether speaking/reasoned Yes

Whether reportable No