

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 25670 of 2018
Date of Decision : 19.11.2018

Rajinder Bhatia

...Petitioner

Versus

The New India Assurance Company Limited

...Respondent

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

The present writ petition has been filed in the year 2018 challenging the order dated 11.03.2008 (Annexure P-3), by which the appellate authority on an appeal, reduced the punishment of stoppage of four increments to stoppage of two increments.

The petitioner did not challenge this order till he remained in service. He retired from service on 30.08.2018. The present writ petition has been filed after the retirement. Learned counsel for the petitioner has not been able to explain the delay of approximately ten years in filing the present petition and why the petitioner did not challenge the order dated 11.03.2008 (Annexure P-3) while he was in service. Further the grounds which have been given to challenge the order dated 11.03.2008 (Annexure P-3), are that the petitioner was innocent and there was no conclusive proof even during the enquiry that the petitioner was guilty of the allegation and, therefore, the imposition of punishment under these circumstances vide

Annexure P-3, is contrary to the law. Findings have been reorded during the enquiry proceedings, after appraising the evidence on record and allegations have been proved. In fact the petitioner wants this Court to appreciate the facts once again in order to arrive at a different conclusion.

This Court is not to sit as an appellate authority in respect of the orders passed by the disciplinary authority. Unless and until findings recorded by the Enquiry Officer are preverse and contrary to the evidence, this Court has limited scope of interference. Once the factual aspect of the case has been proved during the enquiry after affording due opportunity to the petitioner to defend his case and there was no procedural lapse in holding the enquiry, the finding recorded during the enquiry proceedings cannot be interfered with. Nothing has been pointed out by the counsel for the petitioner in respect of any evidence recorded during the enquiry, which was in favour of the petitioner, while recording the finding in the enquiry report. Further, memorial filed against the order dated 11.03.2008 (Annexure P-3), the competent authority vide order dated 19.01.2009 (Annexure P-8) has already rejected upholding the facts that the petitioner was guilty of the allegation.

Keeping in view the above, no interference is called for by this Court in the present writ petition and the same is hereby dismissed.

November 19, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

