

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CWP-814-2015

Date of Decision: May 17, 2018

Amarjit Singh

.....Petitioner

versus

Director General, BIS, Manak Bhawan, New Delhi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Manmohan Singh, Advocate for the petitioner.

Mr. Vinod Mahendru, Advocate for the respondents.

Sudhir Mittal, J. (Oral)

The petitioner is working as Scientist (E) in the Northern Regional Office of the Bureau of Indian Standards Government of India, Chandigarh. He was deputed to M/s HCL for inspection and testing from a particular lot. He conducted works test, which was found to be in accordance with the specifications. After about three years, a charge-sheet for imposition major penalty was issued to him. An enquiry was conducted and he was found guilty partially. The disciplinary authority dis-agreed with the enquiry report and decided to exonerate him. This report was sent to Central Vigilance Commission, which remitted the matter to the disciplinary authority with direction to re-consider the same. The disciplinary authority maintained its earlier opinion on two separate occasions. The next incumbent in office, however, imposed penalty

of stoppage of one increment with cumulative effect without issuance of any notice to the petitioner. Aggrieved by the same, an appeal was filed, which was partially accepted and the penalty was reduced to withholding of one increment for a period of one year without cumulative effect. Hence, the present writ petition.

2. Learned counsel for the petitioner contends that while imposing punishment, the disciplinary authority should have granted opportunity of hearing to the petitioner because the principles of natural justice so required. Earlier, the disciplinary authority had exonerated the petitioner and thus it was imperative upon him to comply with the principles of natural justice before imposing a major penalty. A specific averment in this regard has been made in paragraph 10 of the written statement, filed on behalf of respondents No.1 and 2.

3. Learned counsel for the respondents supports the impugned order of imposition of punishment by stating that a copy of the enquiry report was provided to the petitioner, after completion of the enquiry and principles of natural justice were complied with. He however, does not dispute that no opportunity of hearing was provided to the petitioner before imposing the penalty.

4. Imposition of major penalty involves civil consequences and therefore, it was imperative for the disciplinary authority to comply with the principles of natural justice by providing opportunity of hearing to the petitioner. This was more essential in the facts of this case because earlier the disciplinary authority had exonerated the petitioner while disagreeing with the enquiry report. The punishment was imposed after three years since the completion of the enquiry without even informing the petitioner that the penalty was proposed to be imposed upon him. Thus, the impugned order dated 22/28-02.2013 (Annexure P-9) cannot

be sustained.

5. The writ petition is allowed and the order dated 22/28.02.2013 (Annexure P-9), is quashed. Consequently, the order dated 02.07.2014 (Annexure P-11) also deserves to be quashed. The respondents shall however be at liberty to proceed afresh after complying with the principles of natural justice.

May 17, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	Yes