

LPA NO.1818 OF 2017(O&M)

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Sr.No.109

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

LPA NO.1818 OF 2017(O&M)

Date of Decision: 29.08.2018

The Board of Management, Chaudhary Charan Singh Haryana Agricultural
University, Hisar

.....Appellant

versus

Peshkar Singh and others

.....Respondents

CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Manoj Chahal, Advocate for the appellant.
Mr.R.S.Bains, Advocate for respondents.

MAHESH GROVER, J(ORAL)

CM-3893-LPA-2017

For the reasons mentioned in the application, delay of 136 days
in refiling the appeal is condoned.

Main Case

This appeal by the Board of Management, Chaudhary Charan
Singh Haryana Agricultural University, Hisar is against the judgment of the
learned Single Judge dated 14.07.2016.

Respondent no.1 was an employee of the University, working as
a Landscape Officer whose services were terminated on various charges of
mis conduct. A perusal of the charge sheet shows that in essence the
respondent was accused of financial improprieties of fragmenting the bills of
purchase into small accounts to escape the rigorous of the instructions,
capping the amount available for expenditure.

The learned Single Judge noticed that apart from the procedural

irregularities in the disciplinary proceedings the charges against the employee were unsubstantiated and rather driven by sheer vendetta.

While impugning the said judgment, learned counsel for the appellant contends that the learned Single Judge has gone wrong in discarding over whelming evidence produced before the inquiry officer to establish the charge of financial impropriety. It is argued that there was neither any procedural lapse in the disciplinary proceedings nor any vendetta and it was sheer mis conduct of the respondent no.1 that led to a stern disciplinary action of termination.

The respondent no.1 is on caveat and with reference to the impugned judgment has stated that neither his assignment warranted preparation of bills nor was any financial transaction indulged in by him. As a Landscape officer his job was supervisory in nature. All the purchases were made by the Store Keeper and bills prepared and cleared by the Controlling Officer and these persons were let off lightly with a warning whereas he who had nothing to do with the transactions was unfairly dealt by terminating his services.

The learned Single Judge extracted a portion of the writ petition where the respondent no.1 as a writ petitioner elaborately set out the nature of assignment and his role which we need not extract here below but a perusal thereof clearly reveals the functional hierarchy and bears out the contention of the respondent of his having either miniscule role or not at all in preparing the bill or encashing it. This has largely gone uncontroverted by the appellant himself as a respondent in proceedings.

If that be so, then it is not understandable why the employee has been charged for financial impropriety. In any eventuality, we also notice

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that the preliminary inquiry report dated 30.11.1993 was withheld from the employee and even when the inquiry report was supplied, it was along with a show cause notice intending to terminate services. This has deprived the respondent of an opportunity to question the finding of the inquiry report and is in complete violation of the principles of natural justice. That apart, the Store Keeper who was directly incharge of the transactions was merely let off with a warning. No worthwhile argument has been raised before us to show any legal infirmity in the impugned judgment. Except to argue on facts nothing substantive has been urged. We, therefore, do not find any reason to interfere with the impugned order.

Dismissed.

(MAHESH GROVER)
JUDGE

29.08.2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No