

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1998-2016 (O&M)
Date of Decision:-07.03.2018.

Makhan Singh

.....Appellant

Versus

Punjab State Civil Supplies Corporation and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Puneet Kumar Bansal, Advocate for the appellant.

Mr. Anil Kumar Sharma, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

Question for consideration in the present appeal is whether the appellant is entitled to promotion to the cadre of Inspector Grade-I w.e.f. 30.11.2015 or not? Further whether appellant is entitled to re-fixation of pay w.e.f. 01.01.2006 in accordance with the pay revision rules and consequently, whether is he entitled to arrears of pay or not?

(2.) Undisputed facts are that appellant was placed under suspension on 1.2.1989 till 23.2.1999. On 18.5.1989, he was charge-sheeted on various allegations which is pending consideration as on today. Pendency of the disciplinary proceedings initiated on 18.5.1989 would be a hurdle for promotion to the post of Inspector Grade-I w.e.f. 30.11.2005 for the reasons that as on the date of junior's promotion on 30.11.2005, charge memo issued on 18.5.1989 was pending consideration and even to this day inquiry proceedings have not attained finality. The prolonged disciplinary proceedings are deprecated for the reasons that an employee would be denied the service benefits. Therefore, respondents are hereby directed to complete the inquiry proceedings initiated on 18.5.1989 within a

period of 3 months from today failing which respondents are hereby directed to promote appellant to the post of Inspector Grade-I subject to outcome of the inquiry proceedings. If the appellant is exonerated in the disciplinary proceedings, in that event, appellant is entitled to promotion to the post of Inspector Grade-I w.e.f. 30.11.2005, if he is otherwise eligible. Further he is entitled to monetary benefits during the intervening period from 30.11.2005 till passing of the order of promotion. In respect of pay fixation and payment of arrears with reference to pay rules w.e.f. 1.1.2006 is concerned, learned counsel for respondents' contention that appellant was subjected to recovery proceedings in respect of alleged loss caused by him to the respondent-Corporation, therefore, it has been adjusted accordingly. There are no statutory provisions for the purpose of adjusting any monetary benefits which is due to the employee in accordance with law. Therefore, statutory provisions like revision of pay rules were required to be extended to an employee. There is no provision in the revised pay rules that pay fixation and payment of arrears if any could be adjusted with any loss caused by an employee etc. Accordingly, respondents are hereby directed to refix appellant's pay under the revision of pay rules w.e.f. 1.1.2006 and extend arrears of pay. The above direction would not come in the way of making necessary recovery, if any loss caused by the appellant to the Corporation in accordance with law. The above exercise shall be completed within a period of 4 months from today.

(3.) Appeal stands disposed of.

(P.B. BAJANTHRI)
JUDGE

March 07, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.