

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

L. P. A. No. 791 of 2018 (O&M)
in C. W. P. No. 11939 of 2013

Date of decision : 29.05.2018

Shadi Lal Appellant

VS.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL.

HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. O. P. S. Tanwar, Advocate
for the appellant.

* * *

DEEPAK SIBAL, J. :

The present intra court appeal has been filed under Clause X of the Letters Patent to challenge the order dated 02.02.2017 passed by a learned Single Judge of this Court, partly allowing the appellant's petition. Along with the appeal, an application for condoning delay of 314 days in filing of the appeal has also been filed.

The facts in brief, which have been culled out from the record and after hearing counsel for the appellant, are that the appellant, while serving as a Block Education Officer in the State of Haryana, was charge-sheeted for acts of omission and commission on his part. A regular inquiry ensued, in which he was found guilty. Accordingly, punishments for recovery of ₹ 15,70,000/- as also 5% cut in pension under Rule 2.2(b) of the Punjab Civil Services Rules (Vol.II) (for short – the Rules), were imposed on him. The appellant sent a legal notice to the respondents against

the afore-referred punishments meted out to him, but when such notice went unheeded to, he approached this Court through **C. W. P. No. 3556 of 2012**, which was disposed of on 25.02.2012 with the direction to the respondents to consider the aforesaid legal notice sent on behalf of the appellant. In compliance with the orders passed by this Court, the legal notice was considered and rejected by the respondents giving a cause to the appellant to again move this Court through another petition which has been partly allowed by the learned Single Judge.

After hearing learned counsel for the appellant, we find no reason to interfere in the order impugned before us.

There were four charges against the appellant, which stood proved leading to the passing of the aforesaid punishments for recovery of ₹ 15,70,000/- and 5% cut in pension. The first charge which was proved was that when the appellant was transferred to take over as Principal, in Government Secondary School Jahtana, Mewat, he neither took charge of his new posting nor handed over charge of the school to his successor for a reasonably long time. The second charge, of which he was found guilty was that from 06.02.2008 to 16.09.2008, he had unauthorizedly kept government money amounting to ₹ 1,23,527/- with him. Thirdly, he was found guilty of diverting funds without authorisation and the fourth proven charge was that he spent ₹ 12,20,000/- for construction/repair of the boundary wall of the school and ₹ 3,50,000/- for upgrading the computer laboratory without obtaining any approval from the competent authority.

The learned Single Judge found that the appellant had

committed several procedural irregularities. It was further found that the appellant had neither embezzled any money nor such irregularities had resulted in any financial loss to the respondents. Therefore, while setting aside the punishment regarding recovery of ₹ 15,70,000/- from the appellant, the learned Single Judge sustained the punishment of imposition of 5% cut in the appellant's pension.

Learned counsel for the appellant could not point out any procedural lapse in the departmental proceedings held against the appellant. No violation of any Rule was even alleged. He also could not convince us that the findings recorded by the learned Single Judge with regard to procedural lapses on the part of the appellant were erroneous. That being so, no fault can be found in the punishment regarding 5% cut in the appellant's pension.

In view of the above, no merit is found in the present appeal. Accordingly, the same is dismissed. Consequently, the application seeking condonation of delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

May 29, 2018

monika

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>