

**103/276 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-18910-CWP-2019 in/and
CWP No.5083-2019 (O&M)
Date of decision : December 12, 2019**

Surjit Singh

..... Petitioner

Versus

Punjab State Power Corporation Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Sandeep S. Majithia, Advocate for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-18910-CWP-2019

By this application, respondents are placing on record the short reply as well as the order dated 25.05.2018, vide which leave encashment which has been released to the petitioner.

The application is allowed.

Short written statement filed on behalf of respondent Nos.1 to 6 is taken on record.

CWP No.5083 of 2019

In the present writ petition, the grievance which is being raised by the petitioner is qua the order dated 22.03.2018 (Annexure P-11) by which the punishments which were imposed upon the petitioner already in respect of the charge-sheets which were pending against him was modified and enhanced by the authorities of the respondents-Corporation. Learned counsel for the petitioner argues that once the punishment was imposed, the higher authorities could not have enhanced the said punishment on their

own unilaterally without giving any opportunity of hearing to the petitioner. Learned counsel for the petitioner further argues that as the impugned order dated 22.03.2018 (Annexure P-11) has been passed without following due procedure of law and has been passed by violating the rules of natural justice, the same is liable to be set aside.

Learned counsel appearing on behalf of the respondents states that keeping in view the instructions imparted to him, the said impugned order may be treated as withdrawn and respondents may be granted liberty to pass a fresh order after giving due opportunity of hearing to the petitioner.

As the impugned order has been withdrawn by the respondents, though, with liberty to pass a fresh order in accordance with law, the present writ petition has been rendered infructuous.

Learned counsel for the respondents states that a fresh order in respect of all the charge-sheets, the details of which have been given in the impugned order dated 22.03.2018 (Annexure P-11) will be passed by the competent authorities.

Reasons, which have been given by the respondents to review the decisions, which were rendered by the Deputy Chief Engineer, D.S. Circle, Sangrur and were modified by the C.M.D. are that those were not in accordance with law and contrary to the order on record, therefore, it will be appropriate that the CMD of the respondents-Corporation will also look into the fact as to how and under what circumstances, the said punishments were imposed and whether there was any irregularity/illegality committed by the

Deputy Chief Engineer, D.S. Circle, Sangrur while imposing the said punishments.

Keeping in view the above, the present writ petition has been rendered infructuous and is disposed with liberty to the respondents to pass a fresh order after observing the rules of natural justice.

(HARSIMRAN SINGH SETHI)
JUDGE

December 12, 2019
sarita
Whether speaking / reasoned Yes
Whether Reportable: No