

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10035 of 2019

Decided on: 03.12.2019

Jagir Singh

.... Petitioner

versus

State of Punjab and Ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. J.S. Thind, Advocate
for the petitioner

ARUN MONGA, J.

1. *Inter alia* issuance of a writ in the nature of *certiorari* has been sought herein to quash order dated 13.10.2017(Annexure P-4) passed by Appellate Authority whereby earlier awarded punishment was reduced to one year forfeiture of service without cumulative effect. Petitioner was originally awarded punishment of forfeiture of 3 years service with cumulative effect for the purpose of annual increments and suspension period from 14.03.2014 to 03.04.2015(1 year 19 days) declared as non duty period vide order dated 20.07.2016(Annexure P-2) by the disciplinary authority.

2. The circumstances leading to award of punishment arose out of non-compliance of a transfer order dated 28.02.2014 by the petitioner whereby he was transferred from Amritsar to Fazilka. The petitioner challenged his transfer order before this Court vide CWP No. 5771 of 2014. No interim stay on the operation of the transfer order was granted by this Court during pendency of the petition and yet the petitioner did not comply

with transfer order. The writ petition was, however, eventually accepted and transfer order was quashed. Meanwhile, owing to the non-compliance of the transfer order, a show cause notice dated 11.09.2015 was issued to the petitioner as to why appropriate action be not taken for willful disobedience by non-joining at the place of transfer. The petitioner also avoided service of show cause notice despite multiple attempts by the competent authority, leading to the passing of punishment order dated 27.10.2016. The petitioner filed an appeal against the punishment order, wherein the punishment awarded by the disciplinary authority was reduced, as has already been stated in the opening para of this order.

3. Having heard learned counsel for the petitioner, I find no ground to interfere in the extra ordinary jurisdiction of this Court vested under Article 226 of the Constitution of India.

4. No explanation whatsoever, let alone any plausible one, has been rendered by the petitioner as to why despite there being no interim order on the operation of the transfer order, he did not join his duty for more than one year. That apart his conduct is also highly deprecable in as much as he avoided joining the departmental proceedings by not accepting the service of show cause notice issued to him. Petitioner belongs to disciplinary forces and high level of discipline is accepted from members of such forces. The petitioner has shown least regard for discipline. Notwithstanding, the Appellate Authority has already reduced the punishment originally awarded to the petitioner and I am of the view that having been meted out a lenient treatment by the Appellate Authority, no further indulgence is required. Writ petition is accordingly dismissed. No order as to costs.

5. In the parting I may hasten to add here that not only on merits, writ petition suffers from vice of delay. The order passed by the Appellate Authority dated 13.10.2017 has been challenged by the petitioner after about one and a half years. No explanation, whatsoever has come forth as to why petitioner having once acquiesced to the orders passed by the Appellate Authority has preferred to file the writ petition with inordinate delay.

(ARUN MONGA)
JUDGE

December 03, 2019
Jiten

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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |