

**Sr. No. 221**

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CWP No.13919 of 2015 (O&M)  
Date of Decision: 22.04.2019**

Pawan Kumar

... Petitioner

Versus

Punjab State Power Corporation Limited and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr. Nilesh Bhardwaj, Advocate,  
for the petitioner.

Ms. Meena Bansal, Advocate,  
for the respondents.

**ARUN MONGA, J.(ORAL)**

1. The present writ petition has been filed, *inter alia*, seeking quashing of order dated 19.05.2014 (Annexure P-1), along with the charge-sheet dated 19.10.2007 (Annexure P-2), whereby one annual increment has been stopped from the pension of the petitioner.

2. Briefly the facts of the case are that the petitioner was working as 'Revenue Accountant' with the respondent-Punjab State Power Corporation Ltd. (hereinafter 'PSPCL') and retired on 16.10.2012. During his tenure, one Smt. Vidya Devi had applied for an electricity connection on 01.03.2001. As she failed to fulfil the required criteria, her application was automatically cancelled. However, Sh. Jasraj Singh, J.E., in spite thereof, in collusion with Smt. Vidya Devi issued her an illegal electricity connection. He

was penalized for the same and was ordered to refund the amount of loss caused to PSPCL and also was punished with a permanent cut in his pension.

3. The petitioner too was charge-sheeted regarding issuance of the above said electricity connection. An enquiry was conducted regarding the same, to which he filed a detailed reply stating that as Smt. Vidya Devi had not fulfilled the requisite criteria for applying for a connection, her application had, in routine, been cancelled. The petitioner and Sh. Labh Singh (the dealing hand), were on clerical posts, they were in any case not authorised or empowered to issue connections. The enquiry officer ignoring the averments raised in the reply, and relying on witness accounts as well as Rule 22.6 of the Sales Manual, held that the petitioner ought to have passed an order regarding the non-compliance of the conditions by the applicant and also that he should have entered the same in the service register.

4. On the basis of the enquiry report (Annexure P-5), petitioner was punished with stoppage of two increments with cumulative effect vide order dated 03.06.2011 (Annexure P-7). The petitioner filed an appeal against the said order. The appellate authority vide impugned order dated 19.05.2014 (Annexure P-1), while holding that the petitioner was though only indirectly at fault, but yet awarded him punishment a cut of 3% forever from the pension of the petitioner by modifying the punishment order of the petitioner in a non-speaking manner. Being aggrieved, the petitioner has filed the present writ petition.

5. The averments made in the written statement filed by the respondents are that the petitioner was working in the Accounts Branch of the respondent-PSPCL, and it was his duty to enter the non-compliance of the conditions, by the applicant for the electricity connection, in the service register and also to pass an order to that effect. Due to dereliction of duty on the part of the petitioner, the file remained pending as per Rule 22.6 of the Sales Regulation, which led to disciplinary action being taken against him under PSEB Employees (Punishment and Appeal) Regulations, 1971 and he was consequently, charge-sheeted. They state that the petitioner was rightly held liable for the lapse caused and the punishment awarded to him is justified as per regulations.

6. The petitioner filed replication reiterating his stand that the application was dealt with as per rules and the role of 'Revenue Accountant' comes into play only when any special case is brought to his notice by the dealing hand, who, in this case, was Sh. Labh Singh. He states that he acted as per rules and the punishment awarded is illegal.

7. I have gone through the pleadings and have heard the learned counsel for the respective parties.

8. Learned counsel for the petitioner has drawn my attention to the impugned punishment order dated 19.05.2014 (Annexure P-1) particularly the following portion thereof:

*“Main charge against this R.A. in this case is that A& A form is not cancelled by him, as is clear from the above facts that if the prospective consumer does not*

*comply with the Demand notice then his A&A application is automatically deemed to have been cancelled. In this case, Sh. Labh Singh L.D.C., who was posted as consumer clerk was primarily/directly responsible to put those applications against which demand notice is not complied with, put up to RA/SDO for cancellation, which he did not. Due to which he is directly responsible. Due to this punishment given to Sh. Pawan Kumar RA becomes re considerable.*

*Considering the above, I Er. K.L.Sharma as a competent authority as per decision of W.T.D. after considering the punishment of stoppage of two annual grade increments with future effect of Sh. Pawan Kumar RA, after re considering instead of that a cut of 3% for ever from the pension of the employee is ordered.*

9. A perusal of the above reflects that the punishing authority was clearly opinionated that the primary/direct responsibility of complying with the Demand notice vis-a-vis A&A application was that of the consumer clerk/LDC who had to put up the same to the petitioner-RA for cancellation. Since the consumer clerk/LDC failed to do so, the connection was released to the consumer without proper scrutiny of the A&A form/records. Due to lapse on the part of consumer clerk, he was awarded punishment of stoppage of one increment without cumulative effect.

10. I am in agreement with the argument of the learned

counsel for the petitioner that, on the face of it, the punishment awarded to the petitioner is discriminatory. The delinquency attributed to the LDC/consumer clerk is on much higher footing and yet he has been awarded the punishment of stoppage of one increment without cumulative effect, whereas, the petitioner has been awarded punishment of cut off 3% forever from his pension.

11. In the premise, the major punishment awarded to the petitioner vis-a-vis the minor granted to the main delinquent who was directly responsible, does not stand judicial scrutiny and is untenable. Accordingly, impugned order dated 19.05.2014 (Annexure P-1) is set aside with liberty to the respondents to pass fresh order in accordance with law.

12. Disposed of in above terms.

**22.04.2019**

vandana

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No