

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

**CWP NO. 20237 OF 2016
DATE OF DECISION : 07.05.2019**

Jasbir Singh

...Petitioner

versus

The Punjab State Power Corporation Limited and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Pankaj Sharma, Advocate,
for the petitioner.

Mr. Mukul Aggarwal, Advocate,
for the respondents.

ARUN MONGA, J. (ORAL)

1. Learned counsel for the petitioner submits that case of the petitioner is squarely covered by judgment of this Court rendered in CWP No. 2695 of 2016 titled as "*Sukhwinder Singh v. The Punjab State Power Corporation Limited and others*" dated 27.02.2019. He submits that the only difference, however, is that the petitioner herein is Assistant Lineman and the petitioner in CWP No. 2695 of 2016 was Lineman. Other than that, both the cases are absolutely pari-materia.

2. In the present case, as in CWP No. 2695 of 2016, neither there was any dissenting note recorded by the punishing authority while differing with the findings of Enquiry Officer, nor

the petitioner was issued any Show Cause Notice. He was not granted any opportunity of personal hearing. In these very circumstances, this Court quashed the punishment awarded to the petitioner in CWP No. 2695 of 2016.

3. Per contra, learned counsel for the respondents submits that the contention that Show Cause Notice was not issued is factually incorrect. As is reflected from letter/order dated 08.02.2013 (Annexure P-5), vide which he was given opportunity to represent qua the inquiry report.

4. Having perused the pleadings of the parties herein and after hearing the arguments of learned counsels for the parties, I am in agreement that case of the petitioner is covered by the judgment, *ibid*.

5. A perusal of letter/order dated 08.02.2013 (Annexure P-5) reflects that it was not a Show Cause Notice, but merely an intimation with regard to interim inquiry report/departmental inquiry to the petitioner, inviting his representation on the inquiry report.

6. The learned counsel for the petitioner rightly contends that since the petitioner was exonerated by the Inquiry Officer and therefore, in response to the letter dated 08.02.1013 (Annexure P-5) petitioner vide letter dated 25.02.2013 (Annexure P-6) merely stated that he agreed with the finding of Enquiry Officer. Thus no representation qua findings of Enquiry Report was filed.

7. In the premise, the impugned punishment orders dated 25.06.2013 and dated 27.04.2015 (Annexure P-7 collectively) as upheld by the appellate order dated 06.07.2015 (Annexure P-9), are set-aside. The respondents are directed to grant all consequential benefits to the petitioner arising out of the quashing of orders, *ibid*.

8. With the above said observations, the writ petition is disposed of.

(ARUN MONGA)
JUDGE

MAY 07, 2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No