

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

LPA-1658-2019

Date of decision : 13.11.2019

Pargat Singh

.... Appellant

Versus

The Financial Commissioner and another

..... Respondents

CORAM :- HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present: Mr. Harit Sharma, Advocate,
for the appellant.

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RAVI SHANKER JHA, CHIEF JUSTICE

1. This appeal has been filed by the appellant being aggrieved by the order dated 17.01.2019 passed by the learned Single Judge dismissing the petition filed by the appellant assailing the order of punishment dated 22.07.2014 as well as the order dated 07.05.2015 passed by the appellate authority.

2. Learned counsel for the appellant submits that the appellant was working as Inspector, Cooperative Societies, Ferozepur. He was proceeded departmentally and ultimately the punishment, reducing his pay

to the initial scale, was imposed vide order dated 22.07.2014. The appellant being aggrieved of the order filed an appeal, which was also dismissed by the appellate authority on 07.05.2015, by holding that the order of punishment of reducing the pay of the appellant to the minimum of the scale would operate for seven years only, as the appellant superannuated with effect from 31.07.2014.

3. Learned counsel for the appellant submits that the learned Single Judge as well as the appellate authority have not taken into consideration the Division Bench decision of this Court rendered in the case ***“Gurpal Singh Versus State of Punjab and others – LPA No. 1289 of 2012 (O&M), decided on 14.12.2012***, wherein the Division Bench has held that Rule 5 (v) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, lays down that the authority while imposing punishment under that Rule has to specify the period for which the pay is being reduced to the lower stage in the time scale of pay. It is submitted that hence, the order of punishment did not specify the period. Learned counsel for the appellant submits that the learned Single Judge has not appreciated or considered the Division Bench decision of this Court. Hence, this appeal.

4. We have heard the learned counsel for the appellant.

5. The Division Bench decision of this Court in the case of ***Gupral Singh's case*** (supra) has held as under :-

“5. The submission made by counsel for the petitioner-appellant was that reduction to lower pay scale in the time scale of pay can only be for a “specific period”, whereas in the present case, no such period is specified and the effect thereof

would be that it is on permanent basis. The impugned order is, thus, contrary to the provisions of Rule 5 (v) of the Rules ibid. For this reason, while maintaining the order of revisional authority in reducing the pay to the beginning of the pay scale, we direct the revisional authority to also specify the period therefor. Order shall be passed by the revisional authority within two months.”

6. From a perusal of the order, it is apparent that the Division Bench, while holding that the period has to be specified in view of Rule 5 (v) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, remitted the matter back to the revisional authority, with a direction to specify the period.

7. In the instant case, the learned Single Judge has quoted the relevant paragraph of the order dated 07.05.2015 passed by the appellate authority, wherein the appellate authority has stated that the punishment will have effect for seven years. The learned Single Judge looking into the aforesaid order held that the appellate authority has specified the period of punishment. Hence, there was no reason to interfere in the matter.

8. We have rendered our anxious consideration to the facts of the case as well as to the order passed by the Division Bench and the learned Single Judge. Apparently, the Division Bench had also remitted the matter back to the revisional authority for specifying the period of punishment. In the instant case, the appellate authority has specified the period as seven years, and the learned Single Judge, taking into consideration the fact that the period of punishment has been specified as seven years, has dismissed

the petition. In these circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

- 9. Accordingly, there is no merit in this appeal.
- 10. Dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

November 13, 2019
ndj

(RAJIV SHARMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No