

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

CWP No.23619 of 2018 (O&M)
Date of Decision:25.2.2019

Salinder Singh ... Petitioner

Versus

Punjab and Haryana High Court and another ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Tarun Dhingra, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

1. Heard learned counsel for the petitioner and perused the paper-book.

2. The petitioner is a Stenographer, Grade-III in the District Court at Kurukshetra. He purchased in part immovable property by executing sale deed no.55/1 dated 21.4.2009, thereby becoming one of the co-owners. On a complaint made by one Paramvir Singh son of Gurdass Singh against the petitioner regarding purchase of property, the matter was enquired into and he was served a charge-sheet which has resulted in stoppage of one increment without cumulative effect. Against the order of punishment, the petitioner preferred service appeal no.50 of 2017 which has been declined on 23.2.2018 by the learned Administrative Judge, Sessions Division, Kurukshetra. Against this order, the present petition has been filed.

3. The crux of the charge is that the petitioner did not take prior approval of the transaction from the prescribed authority. He therefore violated Rule 18 (2) of the Government Employees

(Conduct) Rules, 1966 which prescribes that no government employee or any dependent member of his family shall except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any dependent member of his family. Indisputably, the petitioner did not obtain previous sanction by bringing to the knowledge of the prescribed authority that he was about to buy immovable property, and therefore, I find no infirmity in the enquiry proceedings, the punishment order and the order passed in appeal maintaining the punishment inflicted by the learned Sessions Judge.

4. The argument pressed before me is that prior to the complaint made on 9.12.2011, he applied for ex-post facto sanction to acquire immovable property. This argument is only to be noticed and rejected such a course as it is not protected by Rule 18(2) of the Rules. Accordingly, no ground for interference is made out against the impugned orders.

5. In view of the above, this petition is devoid of merit and is hereby dismissed in *limine*.

25.2.2019
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No