

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

CWP No. 5857 of 2016.

Date of Decision: 17.01.2019.

Pargat Singh

... Petitioner

Versus

The Financial Commissioner, Department of Cooperation and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

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

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN.J.

The petitioner seeks quashing of the order dated 07.05.2015 (Annexure P-13) passed by respondent No.1 and the order dated 22.07.2014 (Annexure P-8) passed by respondent No.2 vide which the petitioner was ordered to be brought down to the initial pay scale as on 01.01.2007.

It is contended that the petitioner was working as Inspector Cooperative Societies, Ferozepur. In 2009 on the basis of complaints, the petitioner was placed under suspension vide order dated 24.07.2009 (Annexure P-1). The petitioner was served with a charge sheet vide memo No. 12972 dated 17.09.2009 (Annexure P-2). A regular departmental inquiry was conducted wherein, the petitioner was exonerated of the charges. However, the learned Registrar disagreed with the findings of the inquiry report and sent a dissenting

note (Annexure P-4). Without considering the material on record as well as the inquiry in favour of the petitioner, the Registrar passed the order dated 16.11.2010 (Annexure P-6) vide which the petitioner was brought to the initial pay scale. Aggrieved against the order, a civil suit No. 152 of 2011 was filed by the petitioner, which was decreed vide judgment and decree dated 21.05.2012 (Annexure P-7) with a direction to the Registrar to reconsider the case of the petitioner after giving an opportunity of hearing. Subsequently, order dated 22.07.2014 (Annexure P-8) was passed by the Registrar and the petitioner was brought down to initial pay scale of 01.01.2007.

It is contended that in terms of Rule 5(v) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 the reduction to lower pay scale in the time scale of pay can only be for a “specified period”. However, in the instant case, no such period was specified and the effect of it would be that it is on permanent basis which is contrary to provisions of Rule 5(v).

On behalf of the respondents-State, it is contended that the petitioner had committed serious offence of embezzlement, therefore, the impugned orders had been rightly passed by respondent No.2 and upheld by respondent No.1 thereby bringing the petitioner to his pay as on 01.01.2007.

Heard.

The concluding paragraph of the order dated 07.05.2015 (Annexure P-13) passed by Financial Commissioner, is reproduced as

under:-

“The annual increment of Pargat Singh is due in July and he is due for retirement on 31.10.2014. Hence, he is not due for next annual increment in July. Vide Registrar, Cooperative Societies order dated 22.07.2014 orders were passed to bring down his salary to the initial stage with effect from 01.07.2007 and in view of his retirement on 31.07.2014 this punishment will have an effect of seven years. In view of the above discussion the appeal of Pargat Singh, Registrar, Cooperative Societies (Retired) is filed vide, Cooperative Societies order dated 22.07.2014”

A perusal of the aforesaid order clearly shows that the period of punishment has been specified by the FCR in the order dated 07.05.2015 (Annexure P-13), therefore, the argument advanced by the learned counsel for the petitioner has no legs to stand.

No other ground has been put forth.

In view of above, the present civil writ petition is dismissed.

17.01.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No