

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

LPA-2288-2016

Decided on: 28.02.2019

Mukhtiar Singh

.... Appellant

Versus

Punjab State Power Corporation Ltd. and others Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. B.D. Sharma, Advocate
for the appellant.

Mr. L.S. Bhullar, Advocate for
Mr. Pankaj Bhardwaj, Advocate
for the respondents.

MANJARI NEHRU KAUL, J.

This appeal is directed against the judgment dated 17.10.2016 of the learned Single Judge passed in Review Application No.321 of 2016 as well as the judgement dated 03.08.2016 in CWP No.11174 of 2016, passed by the learned Single Judge, whereby both the Review Application as well as the writ petition were dismissed.

2. In the writ petition, i.e. CWP No.11174 of 2016, the appellant challenged the order, whereby the Committee vide its report dated 30.04.2006 had held him guilty and subjected him to punishment of 10% cut in pension for 5 years. Learned Single Judge after appreciating all the facts, upheld the order and dismissed the writ petition vide judgment dated 03.08.2016.

3. Against the said judgment of the learned Single Judge, the appellant preferred an appeal by way of filing LPA No.1705 of 2016, which was disposed of by the Coordinate Bench vide order dated 05.09.2016 in the following terms:-

“ xx xx xx xx xx

In these circumstances, while we do not find any ground to interfere with the order passed by learned Single Judge in upholding the punishment awarded to the appellant, liberty is granted to the appellant to file a Review Application before the learned Single Judge alongwith the order of exoneration of Ashok Kumar, Junior Engineer, so as to make out a case of discrimination.”

4. In the light of the aforementioned order of the Coordinate Bench in LPA No.1705 of 2016, a Review Application dated 29.09.2016 was filed by the appellant on the ground of discrimination. The said Review Application was dismissed vide order dated 17.10.2016 by the learned Single Judge by observing as under:-

“xx xx xx xx xx

However, the documents regarding the different punishments awarded to such other employees were not placed on file of the main writ to enable this Court to find out whether it is a case of discrimination or not. There is no error apparent on the record. Whatever documents were placed on the file were considered and the matter was decided on merits. Now, after the decision, the applicant-petitioner cannot be allowed to place on file some other documents to make out a case for review.”

5. Learned counsel for the appellant has argued that the appellant was discriminated against by the respondent-corporation while awarding punishment and learned Single Judge failed to appreciate the same in the correct perspective.

6. We have heard learned counsel for the parties as well as perused all the material on record.

7. It may be noticed that the said contention of the appellant has already been dealt with, by the learned Single Judge and since rejected. The ground of rejection given by the learned Single Judge is that the appellant had failed to substantiate his claim and the same could not be interfered with, as nothing had been pointed out as to how his case was at par with that of Ashok Kumar. In the absence of any relevant material on record, the learned Single Judge rightly rejected the contention of the appellant. The award of punishment would be a matter dependent upon circumstances of each case and the appellant cannot claim discrimination on this ground.

8. Hence, in this background, we are of the considered opinion that no interference is called for.

9. Accordingly, appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

28.02.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No