

CWP-29006-2019 (O&M)

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

**CWP-29006-2019 (O&M)
Date of decision : 04.10.2019**

Suresh Pal

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. And others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Baldev Singh Badhran, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Petitioner has approached this Court under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari quashing the impugned order dated 15.02.2019 (Annexure P-7), whereby the authority imposed punishment of stoppage of one annual increment without future effect and to stay the operation of impugned orders.

Learned counsel for the petitioner submits that though for imposing of minor penalty, procedure of enquiry is not required, but the order dated 04.06.2018, passed after affording the opportunity of hearing to the petitioner, is bereft of any reasoning. Petitioner preferred an appeal against the same before Chief General Manager, Admn., Uttar Haryana Bijli Vitran Nigam Ltd., Panchkula, but the same, vide order dated 15.02.2019 (Annexure P-7), has also been dismissed in the same manner.

He further submits that many factors have been explained in the reply to the show cause notice, but the same have not been addressed.

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Notice of motion.

On asking of the Court, Mr. Hitesh Pandit, Advocate, who is present in Court, accepts notice on behalf of the respondent(s)./State and submits that some reasoning has been given, but it cannot term to be a reasonable order.

I have heard learned counsel for the parties and appraised the paper book.

Petitioner was served with show cause notice dated 10.11.2017 (Annexure P-1) for being responsible of some act of commission/omission, which was duly replied vide reply dated 21.12.2017 (Annexure P-2) along with list showing that the entire amount received by him had been deposited, but the same, has, not been considered and also effect of awarding of certificate of appreciation dated 11.1.2018 (Annexure P-3).

It would be in the fitness of things to extract the relevant portion of impugned orders dated 04.06.2018 as well as 15.02.2019 (Annexures P-4 and P-7), which reads as under:

"Order dated 04.06.2018

The official has submitted his defence reply which was considered by the competent authority with reference to fact and material available on record and it is decided that two annual increments without future effect be stopped of the official.

Accordingly two annual increments without future effect of Sh.Suresh Pal AFM is hereby stopped.

Order dated 15.02.2019

On going through all relevant records available and verbal submission of the official during personal hearing, it is decided that the punishment of stoppage of two annual increments without future effect awarded by CE/OP/UHBVN,

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Panchkula vide o/o no.957/EPF-12184 dated 04.06.2018 be reduced to stoppage of one annual increment without future effect, as the official was presented appreciation with award of the same work later on.

Accordingly, the punishment of stoppage of two annual increments without future effect awarded by CE/OP UHBVN, Panchkula vide O/O No.957/EPF-12184 dated 04.06.2018 to Sh. Suresh Pal, AFM is reduced to stoppage of one annual increment without future effect."

On going through the aforementioned orders, the same are bereft of reasoning, thus, the matter is required to be re-visited at the level of Chief Engineer/OP, Uttar Haryana Bijli Vitran Nigam Ltd., Panchkula. Accordingly, the impugned orders dated 04.06.2018 and 15.02.2019 (Annexures P-4 and P-7) are set aside and the matter is remitted to Chief Engineer/OP, Uttar Haryana Bijli Vitran Nigam Ltd., Panchkula, to decide the matter, afresh in a most pragmatic and reasonable manner, by taking into consideration all material enclosed along with the reply to show cause notice or purported to be filed, after affording the opportunity of hearing to petitioner.

Let this exercise be done within a period of two months from the date of receipt of certified copy of this order.

With the aforesaid observations, the present writ petition is disposed of.

04.10.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**