

RSA-922-2016

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

RSA-922-2016

Date of Decision: 2nd April, 2019

Sukhraj Singh

...Petitioner

Versus

**Principal Secretary, Department of Home Affairs
& Justice, Punjab & others**

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.G Chaudhry, Advocate,
for the appellant.

Mr. Charanpreet Singh, Asstt. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Suit for declaration which was preferred by the appellant – plaintiff that the order dated 15.10.2008 passed by the Government of Punjab, order dated 04.05.2005 of Director General of Police and order dated 02.04.2003 of Deputy Inspector General of Police, (Administration), whereby, punishment of stoppage of one annual increment with cumulative effect has been imposed upon him, are illegal, null and void, has been dismissed by the Civil Judge (Junior Division), Jalandhar, vide judgment and decree dated 17.01.2013, appeal against which preferred by the appellant – plaintiff stands dismissed vide judgment and decree dated 12.08.2015 passed by the Additional District Judge, Jalandhar. The present appeal has been filed challenging the said judgments and decree passed by the Courts below.

2. During the hearing of the case, counsel for the appellant – plaintiff has restricted his plea to the limited relief of modifying the punishment, which has been imposed upon the appellant – plaintiff, from stoppage of one annual increment with cumulative effect to that of stoppage of one annual increment without cumulative effect on the logic that the misconduct which has been attributed to the appellant – plaintiff does not relate to embezzlement or misappropriation of any Government fund but to the extent of delay in payment of two telephone bills, where, surcharge of ₹ 200/- and ₹ 150/- has been imposed by the Telecommunication Department on the respondent – Department because of the delay.

3. Counsel for the respondents has opposed the prayer made by the counsel for the appellant – plaintiff on the plea that the Appellate Authority has taken into consideration all the pleas raised by the learned counsel for the appellant – plaintiff and therefore, the punishment which has been imposed be not interfered with.

4. I have considered the submissions made by the learned counsel for the parties and with their assistance have gone through the impugned judgments.

5. As per the findings recorded by the Enquiry Officer, there was allegation with regard to the appellant – plaintiff having delayed the deposit of five telephone bills of the office but only two bills were found to be delayed at the hands of the appellant – plaintiff, where total surcharge, which has been imposed upon the respondent – Department, is of ₹ 350/-. It is an admitted case that there was no embezzlement or misappropriation of

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Government funds, rather there was delay in depositing of two telephone bills on the part of the appellant – plaintiff. The punishment, thus, as imposed is disproportionate to the misconduct which has been attributed to the appellant – plaintiff and deserves to be reduced to stoppage of one annual increment for a period of two years without cumulative effect.

6. In view of the above, the present appeal is partly allowed to the extent of reducing the punishment of stoppage of one annual increment with cumulative effect to stoppage of one annual increment for a period of two years without cumulative effect.

2nd April, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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