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

CWP-395-2020

Date of Decision: January 09, 2020

Mangal Singh @ Mangal Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Arun Dulgalh, Advocate for
Mr.Abhimanyu Singh, Advocate
for the petitioner.

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NIRMALJIT KAUR, J. (ORAL)

The present writ petition is filed for setting aside the order dated 02.07.2019 passed by respondent No.1 whereby the appeal against the order dated 02.05.2014 passed by the Appellate Authority was dismissed.

Petitioner-Mangal Singh @ Mangal Ram was appointed in the respondent-Department on the post of Conductor on 01.01.1986. On account of his absence, he was issued charge-sheet on 04.08.2006. After following the due procedure of law and after holding an enquiry, services of the petitioner were finally terminated vide order dated 18.05.2007. The petitioner filed appeal before the Appellate Authority, i.e. Additional Transport Commissioner-cum-Appellate Authority. The Appellate Authority, after hearing, partly allowed the appeal vide order dated 02.05.2014 by converting the punishment of termination to that of stoppage of three increments with cumulative effect but denied the salary for the period from 28.07.2006 till the date of reinstatement. Still aggrieved, the

petitioner filed appeal before the Government. The said appeal was dismissed vide order dated 02.07.2019. While challenging the impugned order, the only argument raised by learned counsel for the petitioner is that it is not a speaking order.

The argument has no merit. A perusal of the said order shows that the concerned Authority has duly taken notice of the facts in question. Personal hearing was also granted to the petitioner. It is duly recorded that the petitioner did not join the enquiry in spite of the summons having been received by him, which is not denied. In spite of the service having been effected, the Enquiry Officer again sent letter No.45/enquiry by dasti process to join the proceedings but still the petitioner did not come present. Despite several opportunities given by the Enquiry Officer, he finally proceeded to hold one sided enquiry. The petitioner filed the reply only after a show cause notice was issued by the Punishing Authority in pursuance to the enquiry report as to why his services should not be terminated which was not found satisfactory. Still, the Appellate Authority converted the order of termination to that of stoppage of three increments with cumulative effect. Still dis-satisfied, he filed appeal before the Government which was dismissed after giving personal hearing.

It is an admitted position that the petitioner was absent from duty without leave. The petitioner was also given personal hearing. Even before this Court, learned counsel for the petitioner has not been able to point out any infirmity in the said order. No such argument has been raised, which may enable this Court to interfere in the quantum of punishment.

At this stage, learned counsel for the petitioner has pointed out

that the Punishing Authority did not take note of the fact that he was sent a

telegram on 11.08.2006 to join the duty but was not allowed to join when he came on 06.09.2006.

The said argument has no merit. It is obvious that the petitioner, in spite of having been admittedly told to join on 11.08.2006 came as late as on 06.09.2006, i.e. almost after one month to join the duties, which is a further admission by him and proof of his being absent from duty. In spite of the same, the Appellate Authority by taking a lenient view, set aside the order of termination and has reinstated the petitioner by reducing the punishment to stoppage of three increments with cumulative effect.

Accordingly, no ground to interfere in the impugned orders is made out.

Dismissed.

January 09, 2020
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(NIRMALJIT KAUR)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |