

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

CWP No. 7635 of 2020 (O&M)  
Date of Decision: 21.9.2020  
**(Heard through VC)**

Mohinder Pal

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Manbir Singh Batth, Advocate  
for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

**JAISHREE THAKUR, J.**

1. The petitioner is aggrieved against the order dated 16.01.2020 passed by respondent No. 4 whereby the petitioner has been asked to return the PPO No. 1118080226/PB issued to him on his superannuation.

2. In brief, the facts are that the petitioner while working as Centre Head Teacher at Government Primary School, Taragarh, District Pathankot, was given an additional charge of Block Primary Education Officer (BPEO) Dorangala, District Gurdaspur on 19.03.2009. This additional charge carried financial and administrative powers. He was relieved from the said additional charge of BPEO on 19.06.2009. He was served with a charge sheet dated 13.12.2017 after a period of 8 years from the date of relinquishing the said additional charge. The charge sheet imputed the allegation that despite non-availability of the service book of

one Jaswant Kaur, she had been issued salary and annual increments by the petitioner. He was further charged with the loss caused to the State exchequer on account of not calling for the service book in time, due to which there was delay in payment of pensionary benefits to Jaswant Kaur. An inquiry report was submitted by the Inquiry Officer, who held the petitioner along with two other persons guilty of not preparing the service book of Jaswant Kaur in time due to which there was late payment of pensionary benefits and the Department was fastened with a liability of paying interest @ 9% on the delayed payment. The inquiry report is dated 11.5.2018. The petitioner retired as BPEO on 30.06.2018 and his all retiral benefits were released on 17.9.2018. A PPO No. 1118080226/PB was issued to him. Aggrieved against inquiry report, the petitioner preferred an appeal dated 16.04.2019 which is pending before the Chief Secretary School Education Punjab. In the meantime, the petitioner, who had been imposed a penalty of ₹20,422/- by the District Education Officer Gurdaspur, for the loss incurred by the State on account of delayed payment to Mrs Jaswant Kaur, deposited the same in the Treasury by a Challan dated 22.10.2019. However, despite the fact that an appeal was pending before the Chief Secretary School Education, a letter has been issued to the District Treasury Officer as well as the petitioner to return the PPO, commutation of pension and DCRG. Aggrieved against the letter dated 16.01.2020 (Annexure P/12), this writ petition has been filed.

3. Mr. Manbir Singh Batth, learned counsel appearing on behalf of the petitioner, would urge that the impugned order/letter is absolutely

against the rules of natural justice since the petitioner cannot be penalised twice. It is contended that the District Education Officer had asked him to deposit an amount of ₹20,422/-, which was a share of having caused a loss to the State exchequer for the interest that was levied on the delayed payment of retrial benefits of one Jaswant Kaur. Once the demand stands satisfied, there was no occasion for the issuance of letter dated 16.01.2020 (Annexure P/12) seeking to withdraw the PPO already issued to him along with commutation of pension and DCRG. It is further argued that the show cause notice under Rule 10 has to be issued as per Punjab Civil Services (Punishment and Appeal) Rules 1970 before the imposition of any punishment, which rule has not been complied with as on date.

4. Whereas, Ms. Simran Grewal, learned Assistant Advocate General, appearing on behalf of the respondent—State would contend that there is no infirmity in the order so passed as the petitioner herein had caused the loss to the Department as he was negligent in performing his duties during his short tenure as BPEO at Dorangala. A perusal of the written statement would reflect that the respondent has acknowledged the receipt of ₹20,422 /- towards the apportionment of the loss suffered by the State. The written statement is silent to the effect whether any show cause notice had been issued to the petitioner before the withdrawal of the PPO.

5. I have heard the counsel for the parties and with their assistance have gone through the pleadings of the case.

6. The facts are not in dispute, nor is the fact that a show cause notice for imposition of any punishment has also not been issued to the

petitioner. It is also an admitted fact that an appeal against the inquiry report is pending consideration before the Chief Secretary Education, Punjab, who is yet to decide the same.

7. Consequently, this writ petition is disposed of with a direction to the Chief Secretary, School Education, Punjab, to decide the appeal of the petitioner by passing a speaking order within a period of 3 months from the date of receipt of a certified copy of this order. The petitioner will be at liberty to raise all pleas as taken in the writ petition before the concerned authority. The impugned order Annexure P-12 will be kept in abeyance till the decision of the appeal.

21.9.2020  
prem

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
No