

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

CWP-27547 of 2018

Date of decision: 10.02.2020

Harbans Lal

.... Petitioner

versus

State of Punjab

... Respondent

CWP-27563 of 2018

Baldev Singh

.... Petitioner

versus

State of Punjab

... Respondent

CWP-27576 of 2018

Joginder Singh

.... Petitioner

versus

State of Punjab

... Respondent

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Sharma, Advocate
for the petitioner(s).

Ms. Anju Arora, AAG, Punjab.

HARSIMRAN SINGH SETHI, J.

By this order, above mentioned three writ petitions are being disposed of as all the writ petitions involve same question of law and similar facts. For the purpose of this order, the facts are being taken from CWP

No.27547 of 2018 titled as **Harbans Lal vs. State of Punjab.**

The claim of the petitioner is that certain punishments were imposed upon him without observing the rules of natural justice as no opportunity of hearing was afforded before imposition of the punishments, though, in appeal some of the punishments have been modified and the punishment has been reduced but, as the orders of the punishing authority was bad in law, same are liable to be set aside alongwith order passed in appeal.

As per the averments made in the writ petition, the petitioner was appointed as Conductor with the Punjab Roadways, Amritsar in 1981 and retired from the said post on 31.5.2010. After the retirement, the petitioner filed CWP No.16333 of 2011 wherein, the petitioner raised a grievance that his increments were stopped on various occasions and in respect of some of the orders imposing the penalty, the petitioner preferred appeal but, no decision has been taken on his appeal and the prayer of the petitioner was to issue direction to the Appellate Authority to decide the appeal in time bound manner. The said writ petition was disposed of on 02.09.2011 directing the Appellate Authority to sympathetically consider the claim of the petitioner while deciding appeals, if the same are pending.

In the appeal preferred by the petitioner, challenge was raised to 09 orders imposing penalty staring from year 1983 onwards till 1994. Vide order dated 27.04.2012 (Annexure P/1) appeal preferred by the petitioner in respect of the order dated 08.01.1992, stopping one increment temporarily; order dated 28.02.1994, stopping one increment temporarily and order dated 02.08.1994, stopping one increment temporarily was accepted but, no relief was granted to the petitioner for the remaining orders of punishment. The said order dated 27.04.2012 (P/1) is under challenge in the present writ petition before this

Court.

Another order in appeal has been passed on 30.08.2012 (Annexure P/2) in respect of the punishments, which were imposed upon the petitioner starting from year 1981 to 1997. Appeals in respect of the order dated 28.02.1994 as well as order dated 20.06.1997 imposing punishment upon the petitioner were accepted and the punishment was reduced and rest of the punishments were maintained. These orders dated 27.04.2012 (Annexure P/1) and 30.08.2012 (Annexure P/2) are under challenge in the present writ petition.

The main argument of the learned counsel for the petitioner is that the punishments, which were imposed upon the petitioner starting from year 1981, were imposed without following rules of natural justice and no opportunity of hearing was afforded before passing orders of punishment and, therefore, imposition of punishment is bad in the eyes of law. Further prayer of the petitioner is that as the order of punishment is bad in law, hence, rejection of the appeals filed by the petitioner which have been rejected qua some of the punishments is also liable to be set aside.

Upon notice of motion, the respondents have filed reply. In the reply, the respondents have stated that the petitioner had approached the Appellate Authority in respect of various punishments vide which punishment of stoppage of increment imposed between years 1985 to 1997 and the appeal filed by the petitioner was disposed of by impugned orders, whereby, 03 out of 09 orders of punishment have been set aside vide order dated 27.04.2012 (Annexure P/1). Further, as per details given in the reply, out of 05 orders of punishment, 03 orders were upheld and two orders were modified vide order dated 30.08.2012 (Annexure P/2). Further objection has been taken that though, the order was passed in 2012, the same has been challenged in the year

2018, much after the retirement and, therefore, the writ petition is liable to be dismissed on the ground of delay itself.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The primary argument of the learned counsel for the petitioner is that the orders of punishment have been passed without affording any opportunity of hearing to the petitioner. The violation of rule of natural justice has been alleged.

No record has been presented before this Court to show that orders of punishment were passed without following rules of natural justice. Further, no averments made in the appeal, have been placed before this Court to show that even before the Appellate Authority the ground that the orders imposing punishment were passed in violation of the rule of natural justice. In the absence of any material, the bald submission made in the writ petition by the petitioner that orders of punishments were passed in violation of rules of natural justice cannot be accepted to set aside the orders of punishment, which are not even under challenge in the present writ petition.

Keeping in view the above, no relief can be granted to the petitioner in the absence of any material to show that the orders of punishment were passed without following rules of natural justice.

The present writ petitions are accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

10.02.2020.
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |