

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

CWP-21422-2020

Date of Decision: 14.12.2020

Davinder Pal Singh

...Petitioner

Vs.

Chief Engineer (Haryana and Admn.) DHBVN, Vidhut Nagar Hisar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Petitioner in person..

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari/mandamus directing the respondents to set aside the punishment order dated 06.02.2019 (Annexure P-4) passed by Disciplinary Authority and order dated 15.09.2020 (Annexure P-6) passed by Appellate Authority.

2. Petitioner appears in person and submits that he joined the Respondent Department on 05.08.2004 and was promoted to post of Junior Engineer in the year 2010. He submits that competent authority charge-sheeted him under Regulation 7 of DHBVN (Punishment & Appeal) 2006 on 07.11.2016. He submitted written reply of the said charge-sheet on 10.08.2018. Disciplinary Authority, Hisar decided the said charge sheet on 06.02.2019 and awarded a punishment of one annual increment without future effects without conducting any departmental inquiry.

3. Aggrieved against the order of punishment, he preferred an appeal under Regulation 9 of DHBVN (Punishment and Appeal) Rules, 2006 on 14.01.2020. Appellate Authority rejected the appeal vide order dated 15.09.2020. Hence the instant writ petition.

4. Petitioner argues that the impugned order dated 06.02.2019 (Annexure P-4) is as cryptic as it can be. No reasoning, whatsoever, what to say of a plausible one, has been given in the order to uphold the charges against the petitioner as per charge-sheet dated 07.11.2016 issued to him. He argues that the only reason assigned therein is that competent authority has found that official has not worked in a responsible manner and therefore he deserves the punishment of stoppage of one annual increment without future effect.

5. Petitioner pleads that the impugned punishment order would be highly detrimental to him qua his future promotional prospects in service. Petitioner further argues that even the Appellate Authority while hearing the appeal against the impugned order 06.02.2019 (Annexure P-4) has assigned no reasoning qua the charges. However, as a bolt from the blue, completely extraneous reasons have been recorded, which do not even relate to the charge sheet issued to the petitioner.

5. Having gone through the impugned punishment order dated 06.02.2019 (Annexure P-4) as well as the appellate order dated 15.09.2020 (Annexure P-6), prima facie, it appears that both orders are devoid of the reasoning as to how the charges against the petitioner stood proved, so as to award him the punishment under challenge herein.

6. In the premise, writ petition is disposed of with a direction to the competent authority to pass a fresh speaking order giving out the reasons of arriving at a conclusion to award the punishment to the petitioner.

7. Till the fresh speaking order is passed, impugned order shall not be given effect to.

8. Disposed of accordingly.

DECEMBER 14, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No