

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

Sr. No.108

CWP-21534-2020
Date of decision : 15.12.2020

Joginder Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Dhivya Jerath, Advocate, for the petitioner.

SUDHIR MITTAL, J.

The petitioner was appointed as Assistant Lineman on D.C. rates in the year 2008. On 14.5.2020, a show-cause-notice was served upon him on an anonymous complaint that he had assisted a resident of the area in theft of electricity. A vigilance enquiry was conducted and the petitioner was indicted. Thereafter, a second show-cause-notice dated 20.5.2020, was issued to which the petitioner filed a reply. Therein, it was inter alia averred that tapping of the main line has been done through private labour and affidavit of the consumer was annexed, in this regard. However, vide order dated 22.5.2020, his services were terminated.

The aforementioned order was challenged by way of CWP-7898-2020, which was allowed vide order/judgment dated 14.10.2020 on the ground that the order impugned therein, was a non-speaking order. Thus, the same was quashed and liberty was granted to the department to pass a fresh order. Consequently, order dated 19.11.2020 (Annexure P-1) has been passed, wherein, it has been recorded as follows:-

‘After taking into consideration his reply and factual scenario, it is revealed that connection with 11 KV transformer is not possible without shutting down the electricity supply. Only the field staff has the authority and knows the procedure to shut down the electricity supply to the transformer for helping or causing any wire to be connected with the transformer therewith. Such connection cannot be made without active connivance of the field staff. Rajesh Kumar and Joginder Singh were posted at the complaint centre more than three years and permit for shut down the electricity might also be taken in this case. LT Line of two spans cannot be erected without any involvement of field staff of the area. Thus, affirmation by Sh. Vikram Singh through affidavit that the field staff has no role in laying of lines cannot be accepted to be true. Further, the petitioner failed to intimate higher officers regarding erection of unauthorized line in their area.’

The defect in the earlier order dated 22.5.2020 has now been rectified as the reply of the petitioner has been considered. Reasons for rejecting the same have also been given.

Learned counsel for the petitioner submits that it is factually incorrect to say that electricity supply cannot be switched off without the help of field staff. There is a switch in every transformer, which can be accessed by anyone with knowledge. Thus, the involvement of a private person cannot be ruled out. Moreover, the petitioner was working in the complaint centre and that too on contractual basis. He could not have removed any material from store without taking approval from the higher

authorities. Thus, he could not have provided the material required for tapping into the main line. Still further, the facts of the incident show that higher officials were involved and that the petitioner has only been made a scapegoat.

The submissions made by the learned counsel for the petitioner may carry some weight, but no order can be passed in his favour unless, there is a evidence on record to substantiate her arguments. In this writ petition, I cannot give finding in favour of the petitioner on the basis of oral arguments only.

Thus, the writ petition has no merit and is dismissed. However, the petitioner shall have the liberty to challenge his termination by filing a civil suit.

(SUDHIR MITTAL)
JUDGE

15.12.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No