

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

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IN VIRTUAL COURT

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CWP No.8321 of 2021 (O&M)

Date of Decision: 27.08.2021

Jagsir Singh

..... Petitioner

V/s.

State Bank of India and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Deepam Raghav, Advocate
for the petitioner.

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the orders dated 09.05.2013 (Annexure P-1), 23.12.2014 (Annexure P-6), 25.08.2017 (Annexure P-8) and 13.05.2020 (Annexure P-14). It is further prayed to issue a writ of *mandamus* directing the respondents to reappoint the petitioner on the post of part-time sweeper and also to treat the suspension period from 09.05.2013 till the joining of the service of the petitioner as on duty period, with all consequential benefits alongwith interest as prescribed by the respondent Department from time to time.

Notice of motion.

Mr. Rajiv Joshi, Advocate, accepts notice on behalf of the

respondents.

A bare perusal of the record shows that the petitioner was issued charge-sheet by the respondents. The petitioner even filed reply to the same. However, thereafter, he stopped attending the proceedings of the enquiry. It has also come on record that even the registered letters were sent to the petitioner asking him to join the enquiry proceedings. However, as per record, he has refused to receive the same, as per report of the Postal Department. Still further, the record reveals that some of the communications for joining the proceedings of the enquiry were received by the father of the petitioner. Despite that, the petitioner did not join the proceedings. As a result, the petitioner was proceeded ex-parte. After getting the evidence of the witnesses of the Department, the petitioner was held guilty in the enquiry. Consequently, vide order dated 23.12.2014 (Annexure P-6), the petitioner was inflicted punishment of reduction of pay from ₹3125/- to ₹2925/-. Still further, he was ordered to join duty immediately.

Despite the abovesaid order of punishment having been passed against the petitioner, neither did the petitioner file any appeal nor he joined the duties with the Department. The Department again asked the petitioner to join his duties. However, he never joined the duties. Instead he started asking his documents back from the Department. Consequently, vide order dated 25.08.2017, the petitioner was compulsorily retired from the Department.

As such, it has come on record that the punishment order qua reduction of pay of the petitioner was passed on 23.12.2014. The petitioner even had received the said letter, as it is clear from the pleadings of the petitioner himself. However, he did not prefer an appeal, in time. Rather, he

filed an appeal only after the petitioner was granted opportunity to approach the respondent-Department in statutory appeal by an order passed in earlier writ petition filed by the petitioner, which the petitioner had, otherwise, withdrawn. However, that order also did not grant any concession to the petitioner qua condonation of delay in filing the appeal. Rather, the order bound the appeal of the petitioner to the regulations issued by the Reserve Bank of India. Hence, the Appellate Authority has not committed any illegality in dismissing the appeal filed by the petitioner on the ground of limitation.

Otherwise also, from the record of the departmental proceedings and the conduct of the petitioner, as is reflected in those proceedings, it is clear that the petitioner has been granted due opportunity of hearing by the respondents. All the procedural steps, which are required to be taken by the respondents for completing the enquiry against the petitioner, have been duly followed. The petitioner has failed to point out any defect in the procedure followed by the respondents during the enquiry proceedings, except, to make a bald assertion that he was not granted proper opportunity of hearing.

In view of the above, this Court does not find any ground to interfere with the concurrent findings of facts recorded by the respondent authorities and qua the consequential decision arrived at, by such findings.

Accordingly, finding no merit, the same is dismissed.

27th August, 2021

Sonia Puri

(RAJBIR SEHRAWAT)
JUDGE