

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13620-2001 (O&M)

Date of Decision : 01.08.2022

Dayanand

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jagbir Malik, Advocate for the petitioner.
Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (Oral)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for granting the petitioner who is working as a conductor higher standard pay scale on his completing 20 years of service.

2. Concededly, from what emerges from pleadings is that the petitioner's services were earlier terminated in view of his having been found delinquent, the findings qua which have attained finality as per the report rendered by the Inquiry Officer. However, in the departmental proceedings, the Appellate Authority took a lenient view vide order dated 03.10.1985 (P-1), which was passed after affording opportunity of personal hearing to the petitioner in the following terms:-

“I also find that the appellant had filed the appeal on 16.1.84, which was time barred. During personal hearing, he produced no material

to show that he was not guilty. However considering the punishment being harsh and taking a lenient view, keeping in view the length of service at his credit of the appellant, I re-instate him in service by stopping two increment with cumulative effect. He shall not be paid anything for the period during which he remained out of service.”

3. It is thus, clear that the petitioner’s delinquency was though upheld but owing to the lenient view taken by the Appellate Authority, he was reinstated in service. The same cannot to any stretch of imagination be taken to be an unblemished service record which is the requirement as per the applicable administrative instructions dated 08.02.1994 (P-2) which mandates that in order to get the benefit of higher standards scale on completion of 20 years of service, an employee must earn regular satisfactory unblemished service record.

4. In the premise, no ground is made out to interfere.

5. Dismissed.

01.08.2022

mamta

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No