

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

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CWP-5450-2022

Date of decision : 28.03.2022.

Sandeep Kumar

... Petitioner

Versus

Haryana State Agriculture Marketing Board and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Arpandeeep Narula, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the enquiry report dated 18.06.2013 (Annexure P-4), the order of punishment dated 04.03.2014 (Annexure P-7) and the order dated 21.01.2022 (Annexure P-9) whereby his appeal has been dismissed.

Learned counsel for the petitioner contends that the petitioner has been working as Junior Engineer diligently and has been made a scapegoat at the behest of the higher officers. There is no evidence against the petitioner and therefore, the enquiry report is vitiated. The petitioner was not granted proper opportunity to counter the allegations against him before passing the order of the punishing authority.

Heard.

The petitioner was posted as Junior Engineer with the respondent/Board. There were allegations of lack of supervision pursuant to installation of tubewells in sports stadiums at three villages in District Fatehabad. The work was allotted to a private agency and the agency did not

complete the work within time. It was alleged that the petitioner had to take the measurement of pipes provided to the agency as per PW-2. Total 3750 metre pipe was issued to the agency out of which 3450 metre pipe had been utilized and 300 metre pipe remained out of which only 184 metre pipe had been returned by the agency and the recovery of 116 metre pipe had to be made by the petitioner from the final bill. In the departmental proceedings, a chargesheet had been issued to the petitioner on 04.10.2012 levelling the following allegations:-

1. That he has shown grave negligence and dereliction towards his duties.
2. That he has shown disloyalty towards the Board and Board may face loss due to his conduct.
3. That he has shown unprofessional conduct and committed an act unbecoming of an official.
4. That he has violated the provisions prescribed in para 3(1)(i), (ii) and (iii) and 3 (2) (i) of the Government Employees (Conduct) Rules, 1966. Thus, he failed to perform his official duties sincerely, honestly and diligently.

A retired District Judge was appointed as an Enquiry Officer and after conducting the enquiry wherein the petitioner was also associated, the enquiry officer had come to the conclusion that the prosecution has been able to prove the charges against the petitioner.

The punishing authority had issued a notice to the petitioner on 23.08.2013 with regard to the proposed punishment of 'withholding three annual increments with cumulative effect'. After considering the reply of the petitioner, the punishing authority had imposed a minor punishment of withholding two annual increments without cumulative effect by order dated 04.03.2014 (Annexure P-7). The charges against the petitioner were rather

serious which had been proved by the enquiry officer, however, he has been let off only with a minor punishment. There is nothing on record to indicate that the findings of the enquiry officer are perverse or without any material which would call for interference while exercising writ jurisdiction. The scope for interference in disciplinary matters is rather limited. Reference can be made to the judgment of the Supreme Court in the case of **B.C. Chaturvedi versus Union of India and others, 1995(6)SCC 749**, wherein it has been held that the scope of judicial review in disciplinary proceedings is limited to decision making process and when the findings of the disciplinary authority is based on some material or evidence, the Court would not re-appreciate evidence and substitute its own findings.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

March 28, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No