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

CWP-7931-2000 (O&M)

Date of Decision: 26.07.2022

Dilbag Singh

...Petitioner

V/S

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. T.C. Dhanwal, Advocate
for the petitioner.

Mr. R.D. Sharma, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter-alia*, seeks issuance of a writ in the nature of certiorari for quashing charge-sheet dated 29.06.1998 (Annexure P-8) and order dated 13.09.1999 (Annexure P-10) whereby punishment of stoppage of two annual increments had been awarded to him.

2. Petitioner was working as Assistant Cane Development Officer at Kaithal. A complaint dated 18.12.1995 (Annexure P-3) was made by various staff members and a complaint dated 13.11.1996 (Annexure P-4) was made by the Accountant Sh. Gaze Singh against the petitioner regarding financial irregularities. Respondent No.3 conducted preliminary inquiry on 17.12.1996 as a precursor of taking any adverse action, if any, and vide report dated 23.05.1997 (Annexure P-7) found that the allegations leveled in the complaint were false. However, the respondent No.1 served upon the petitioner a charge-sheet dated 29.06.1998 (Annexure P-8) and after going through the report (Annexure P-7) the punishing authority imposed the minor punishment of

stoppage of two annual increments vide impugned order dated 13.09.1999 (Annexure P-10).

3. Learned counsel for the petitioner argues that the petitioner was appointed as Drawing & Disbursing Officer for the first time so he was not so aware of rules and regulations and therefore, since the irregularities were committed for the first time, he should not be punished.

4. *Per contra*, learned State counsel argues that the punishment was imposed after considering all the relevant records and facts of this case.

5. I have heard the contentions of the learned counsel for the parties.

6. Having seen the defense taken by the petitioner qua the alleged delinquency, what emerges is that though he had been exonerated in the preliminary inquiry conducted by the Project Officer (Cane) Agriculture Department-respondent No.3 but rather innocuous justification had been given for that exoneration. On the one hand, it was indeed found that the petitioner had committed financial irregularities at the relevant time when he was appointed as Drawing and Disbursing Officer, on the other hand, by blowing hot and cold in the same breath, it is stated that since it was his first time to be deputed as a Drawing and Disbursing Officer and being not aware of the applicable rules and regulations, the petitioner committed the mistakes.

7. In the premise, I am not inclined to agree with the arguments canvassed by the learned counsel for the petitioner that the petitioner was not held delinquent and, therefore, the impugned order (Annexure P-10) is not sustainable. On the contrary, it appears that a rather lenient view was taken by the punishing authority owing to the explanation rendered by the petitioner as well as the so-called exoneration by the inquiry officer. However, since the matter has already attained quietus on the quantum of punishment and, in any

case, must have retired from service by now, no further action is warranted under the judicial review.

8. Petition is dismissed.
9. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

July 26, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Whether reportable :

Yes/No

Yes/No