

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

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CWP-6744-2022

Date of decision : 01.04.2022.

Arun Shekhar

... Petitioner

Versus

The Punjab State Power Corporation Ltd. and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Onkar Rai, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 02.06.2020 (Annexure P-6) passed by respondent No.3 whereby the punishment of withholding two annual increments without cumulative effect has been awarded to him and the order passed by the Appellate Authority on 29.10.2021 (Annexure P-8) whereby the appeal preferred thereagainst has been dismissed.

Learned counsel for the petitioner contends that the impugned order(Annexure P-6) withholding two annual increments without cumulative effect is unwarranted from the material on record. One of the charges with regard to non-release of tubewell connection pertains to a complaint made in the year 2016 wherein it was alleged that the complainant had preferred an application for release of tubewell connection in the year 1991 but the complainant did not take any steps during this period. There were other officials also who were responsible for the work and the petitioner could not have been singled out. The appeal of the petitioner has been rejected without assigning

cogent reasons. He has relied upon the judgments of the Coordinate Benches of this Court in the cases of **Baldev Singh versus Punjab State Power Corporation Ltd. And others, 2020(3) SCR 252** and **Sukhwinder Singh versus The Punjab State Power Corporation Ltd.,** passed in CWP No.2695 of 2016, decided on 27.02.2019.

Heard.

The petitioner is working as Assistant Executive Engineer. The first charge pertains to non-release of tubewell connection to an agriculturist who had applied for the same in the year 1991 but the connection was released in the year 2016. The second charge is that he has failed to complete the construction work of a new sub station at Bheen. The third allegation pertains to insubordination inasmuch a meeting was convened by the Deputy Chief Engineer on 23.08.2016 and all the officials including the petitioner were intimated about the meeting on 16.08.2016 but he did not reach in time and important issues had to be discussed in his absence. The enquiry officer after considering the reply of the petitioner and the material on record had held the petitioner guilty of the charges and the impugned order of punishment cannot be in any manner said to be disproportionate to the charges. The Appellate Authority after affording an opportunity of hearing to the petitioner had dismissed the appeal. Apparently the petitioner has been let off lightly as there were serious allegations against him including having made an agriculturist wait for 25 years before the release of a tubewell connection. The petitioner has been awarded a minor punishment of withholding two annual increments without cumulative effect.

The judgments relied upon by the petitioner are distinguishable on facts and are not applicable to the instant case. In the case of **Baldev Singh (supra)**, the petitioner therein had submitted that the punishment had been imposed on the premise that he was serving as an Area Lineman whereas he was holding the post of Upper Divisional Clerk/Consumer Clerk and therefore, the penalty had been passed without application of mind. In the instant case, the allegations against the petitioner are of non-releasing the tubewell connection in time, the delay of construction of a sub-station and insubordination.

In the case of **Suhwinder Singh (supra)**, the petitioner therein had been exonerated in the enquiry but the punishing authority while disagreeing with the enquiry report had imposed the punishment without recording reasons for disagreement.

Consequently, I do not find any ground to interfere with the impugned order and the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

April 01, 2022
sonia gugnani

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