

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

(247)

CWP-9825-2021

Date of Decision : May 04, 2022

Swaran Singh

.. Petitioner

Versus

The Punjab State Power Corporation Limited and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Jaidka, Advocate and
Mr. Harinderpal Singh, Advocate, for the petitioner.

Mr. Sukhsharan Sra, Advocate, for
Mr. Abhilaksh Grover, Advocate, for the respondents-PSPCL.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed challenging the order dated 28.08.2015 (Annexure P-4) by which 10% cut has been imposed upon the petitioner for a period of one year and also the order dated 22.02.2021 (Annexure P-6) by which the appeal preferred by the petitioner against the order dated 28.08.2015 (Annexure P-4) has been dismissed.

Learned counsel for the petitioner argues that in the present case, the order imposing the punishment as well as the order in appeal have been passed by the same Officer though, it has been mentioned in the order rejecting the appeal that the same is being passed with the approval of the whole time Director.

Learned counsel for the petitioner submits that the order in appeal is to be passed by the Appellate Authority and not by the same authority, which has passed the punishment order and therefore, the appeal preferred by the petitioner has not been decided in a manner required for and the action that both the orders are passed by the same authorities, vitiates the order passed in the appeal.

Learned counsel for the respondents submits that the order in appeal dated 22.02.2021 (Annexure P-6) may kindly be treated as withdrawn with liberty to the Appellate Authority to pass a fresh order in accordance with law.

Keeping in view the above, as the order passed in appeal dated 22.02.2021 (Annexure P-6) has been withdrawn by the respondents with liberty to pass a fresh order, let the appeal filed by the petitioner be decided within a period of eight weeks from the receipt of copy of this order by the authority competent to do so.

It is made clear that this Court is not opining on the merits of the case while passing the present order.

The present petition is disposed of in above terms.

May 04, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No