

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

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CWP-10714-2022

Date of decision : 19.05.2022

Shamsher Singh

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ramesh Kumar, Advocate and
Mr. Amandeep Singh, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner is challenging the order dated 11.12.2017 (Annexure P-4) whereby he has been awarded punishment with stoppage of two annual increments without cumulative effect and the order dated 04.12.2018 (Annexure P-6) whereby his appeal thereagainst has been dismissed.

Learned counsel for the petitioner submits that while the petitioner was working as a Junior Engineer, two children who were playing around the broken electric wire were injured. They had completely recovered from the injuries after treatment. The incident had taken place on 17.03.2016 in the afternoon although the petitioner had been transferred to another place and had relinquished the charge in forenoon itself. He further submits that the petitioner has been awarded punishment of stoppage of two annual increments without cumulative effect on the basis of an enquiry conducted by the SDO on the day of incident itself wherein the petitioner was not associated. He further

submits that the appeal preferred by the petitioner has been dismissed by a non-speaking order on the ground of limitation. However, the period of limitation prescribed in Notification bearing No.78/REG-22/L-1 issued on 13.09.1990 of the Haryana State Electricity Board Employees (Punishment and Appeal) Regulations, 1990 is 60 days which is relaxable to 120 days on sufficient cause being shown by the employee. The petitioner had preferred the appeal after 70 days.

Issue notice to the respondents.

At the asking of the Court, Mr. Hitesh Pandit, Advocate accepts notice on behalf of the respondents.

Heard.

A perusal of the impugned order (Annexure P-6) whereby the appeal of the petitioner has been rejected indicates that it is a totally non-speaking order. The order is reproduced hereunder:-

“Reference your appeal dated 20.03.2018 on the subject cited above.

In this context, it is intimated that your appeal made against O/o No.1491/EPF-7074 dated 11.12.2017 is time barred, hence rejected.

This issues with the approval of Director/Technical-II, UHBVNL, Panchkula.”

It would be in the interest of justice if delay in preferring the appeal be condoned and the appeal preferred by the petitioner, who has been working for over 25 years, be heard and decided on merits.

Consequently, the petition is partly allowed and the order of the appellate authority dated 04.12.2018 (Annexure P-6) is set aside. The appellate authority is directed to decide the appeal (Annexure P-5) afresh on merits after affording an opportunity of hearing to the petitioner. The delay in preferring the appeal would stand condoned.

(ANUPINDER SINGH GREWAL)
JUDGE

May 19, 2022
sonia gugnani

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