

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-1330-2015

DATE OF DECISION: 14.09.2022

MANJIT SINGH

... Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LTD AND ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Karan Bhardwaj, Advocate for the petitioner.

Ms. Ritam Aggarwal, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a direction to quash the charge sheet dated 14.08.2013 (Annexure P-9) issued by respondent No.4.

Learned counsel for the petitioner contends that when the petitioner was posted as Junior Engineer at 66 KV Sub Station Guruwali, he had received a schedule from respondent No.2, Power Controller, Patiala for imposing power cut in the area under his jurisdiction. When the power cut had been imposed, he received a telephonic message from the Deputy Chief Engineer (Operations) Sub Urban Circle Amritsar that the power cut be not imposed at a particular area i.e. 11 KV IBAN UPS Feeder which is run through 66 KV Sub Station Guruwali. The petitioner did not ask the Deputy Chief Engineer to send an order in writing for making an exception to the Schedule for imposing of a power cut. As there was no written order passed or communicated by the Deputy Chief Engineer (Operations) Sub Urban Circle Amritsar, the petitioner did not comply with his request and instead followed the directions of the Power Controller for imposing the power cut. On these allegations of disobeying the order of the Deputy Chief Engineer, the petitioner was charge sheeted.

Learned counsel for the respondents, however, submits that the petitioner has committed an act of insubordination by not following the oral orders of the Deputy Chief Engineer (Operations) Sub Urban Circle, Amritsar. Heard.

The petitioner had been posted as a Junior Engineer at 66 KV Sub Station Guruwali. He is stated to have received a schedule for imposition of power cut. A copy of the same is at Annexure P-10. The schedule had been issued by the Power Controller, Patiala and the petitioner was only complying with his directions. The Deputy Chief Engineer, who had sent the telephonic message is stated to be from another Circle and was not authorized to issue directions to the petitioner. Moreover, the directions had been issued only orally while the petitioner was complying with the written schedule of power cut issued by the Power Controller.

This Court by the order dated 27.01.2015 had stayed further action in pursuance to the charge sheet. A period of 7 years has elapsed and there is nothing adverse against his work and conduct during this period. The petitioner who was diligently performing his duty on the written order of the Power Controller cannot be victimised for not obeying the oral commands of an officer who may be higher in designation and was Incharge of another Operation Circle. It would be unjust and unfair if the petitioner would be penalized and made to face the departmental proceedings.

Consequently, the petition is allowed and the impugned charge sheet dated 14.08.2013 (Annexure P-9) is quashed.

(ANUPINDER SINGH GREWAL)
JUDGE

14.09.2022
SwarnjitS

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No