

In the High Court of Punjab and Haryana at Chandigarh

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CWP-17372-2016 (O & M)

Date of Decision: July 12, 2022

MANMOHAN KUMAR

.....PETITIONER

VERSUS

PSPCL AND ORS

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Manuj Nagrath, Advocate for the petitioner.

Mr. Mukul Aggarwal, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has impugned the order dated 22.07.2016 (Annexure P-7) whereby the appeal preferred by the petitioner has been dismissed.

Learned counsel for the petitioner submits that the petitioner is working as Lineman and he had been imposed punishment of stoppage of four annual grade increments without cumulative effect by the disciplinary authority vide order dated 04.11.2014. He has preferred the statutory appeal to the Chief Engineer. However, the officer, who had passed the order of punishment had been promoted to the post of Chief Engineer and he himself had dealt with the appeal.

Learned counsel for the respondents submits that the officer was holding an Ex-Officio charge of Chief Engineer. He had decided the appeal in accordance with law.

Heard.

The petitioner was aggrieved by the order of disciplinary authority imposing punishment of stoppage of four annual grade increments without

cumulative effect. His appeal ought to have been decided by an Officer other than the one, who had passed the order of punishment. It is in gross violation of the principles of natural justice that the same officer had dealt with the appeal. There would also be apprehension of bias on his part. In the event of the officer being promoted to the post of Chief Engineer (appellate authority), another officer ought to have been deputed to decide the appeal.

In response to the query of this Court, learned counsel for the respondents submits that now another officer has been posted as the Chief Engineer.

Consequently, the impugned order is set aside. The current Chief Engineer, PSPCL (Operation), Border Zone, Establishment Branch, Amritsar would consider and decide the appeal afresh after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

July 12, 2022
A.Kaundal

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