

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

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CWP-4853-2015

Date of decision : 30.08.2022

Hardeep Singh Dhaliwal

... Petitioner

Versus

Punjab State Power Corporation Ltd. and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rohit Gupta, Advocate for the petitioner.

Ms. Ritam Aggarwal, Advocate for the respondents.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders dated 09.08.2010 (Annexure P-4) and 19.01.2011 (Annexure P-6) whereby punishment of stoppage of two annual increments has been imposed upon the petitioner.

Learned counsel for the petitioner submits that the petitioner, who was working as an Assistant Engineer, had been issued a chargesheet on 22.07.2008 with regard to excess payment of Rs.32,623/- which he had allegedly made in the year 2001-02 for maintenance of residential/non-residential buildings. The Chief Engineer, who had enquired into the matter, on conclusion of the enquiry, had exonerated the petitioner as charges were not proved. A copy of the detailed enquiry report conducted by the Chief Engineer is at Annexure P-2. The disciplinary authority without recording any reasons had imposed the punishment of stoppage of two annual increments with cumulative effect. Later, the Board of Directors had reduced the punishment to stoppage of two increments without cumulative effect.

Learned counsel for the respondents submits that the Chairman-cum-Managing Director, PSPCL, who was the disciplinary authority, had disagreed with the findings of the enquiry officer and a note to this effect was also prepared but the same could not be communicated to the petitioner.

Heard.

The petitioner had been proceeded against departmentally by issuance of a chargesheet on 22.07.2008 with regard to the excess payment of aforementioned amount for the period 2001-02. The Chief Engineer after enquiry had exonerated the petitioner. It is true that the disciplinary authority is not bound to accept the enquiry report but in case, he disagrees with the same, the reasons for disagreement have to be recorded. In response to the orders passed by this Court on 28.03.2022, respondent No.1 has filed an affidavit wherein it is stipulated that the then CMD after examining the report of enquiry officer had deemed it appropriate for stoppage of two increments. It is also stated that there was no separate disagreement note. I cannot accept the contention of learned counsel for the respondents that a separate note of disagreement had been prepared. In any event if the reasons for disagreement had been recorded, the same should have been furnished to the petitioner who had been imposed the liability of aforementioned punishment. An employee against whom any punishment order is passed has a right to know the reasons of the passing of such an order. It is also in consonance with the principles of natural justice that the authority passing an order vesting a person with civil consequence is enjoined to furnish reasons for doing so. The reasons are also fundamentals of good administration. The impugned orders have been passed without furnishing any reasons of disagreement with the enquiry report.

Consequently, the petition is allowed and the impugned orders (Annexures P-4 and P-6) are set aside. The disciplinary authority would be at liberty, if so advised, to proceed afresh after examining the enquiry report and taking further recourse in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

August 30, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No