

206(2 cases)

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

Date of Decision: 31.08.2022

1) CWP No.822 of 2016 (O&M)

Satyawar	Versus	Petitioner
State of Haryana and another		Respondents

2) CWP No.834 of 2016 (O&M)

Satyawar	Versus	Petitioner
State of Haryana and another		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vinay Singh, Advocate
for Mr. B.S. Rathee, Advocate
for the petitioner.
Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Vide this common order, I intend to dispose of the aforementioned two writ petitions, since facts as well as issues involved therein are similar.

2 Facts are being taken from CWP No.822 of 2016 (O&M). Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing orders dated 22.10.2013 (Annexure P-3), whereby the petitioner has been held guilty of charges framed against him and has been awarded the punishment of recovery of Rs.10,000/- and Rs.3200/- respectively, and order dated 28.08.2015 (Annexure P-7), whereby the appeal filed by the petitioner has been dismissed.

3. On 15.02.2011, as per order of FSO ISBT Delhi, the Bus No.2824 was checked by the checking party at Nilokheri, which was

on route from Balabgarh to Chandigarh and the petitioner was the Conductor on the aforesaid bus. On checking, it was found that about 140 kg of luggage was there in the bus for which no tickets to the tune of Rs.180x2=Rs.360/- was issued, which caused loss to the State exchequer. A charge-sheet was issued to the petitioner. He filed a reply which was found to be unsatisfactory and the enquiry officer was appointed in this case and the petitioner was found to be guilty of misconduct and he was awarded punishment accordingly, as mentioned above.

4. I have heard rival contentions of the parties and found no fault on the part of the official respondents regarding compliance of procedural requirements before passing the impugned orders as claimed by the petitioner. The petitioner was given opportunity to defend himself and he failed to establish his defence. That apart, the impugned orders were passed in the year 2013 and this petition has been filed belatedly in the year 2016 and no interim stay has been granted. Therefore, the recovery would have already been effected from the petitioner by the department.

5. In the premise, in view of the quantum of amount ordered to be recovered and the fact that there is no procedural irregularity before passing the impugned orders, both these petitions are dismissed.

6. Photocopy of this order be placed on file of the connected case.

(ARUN MONGA)
JUDGE

August 31, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No