

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(221)

CWP No.8804 of 2016(O&M)

Date of Decision : 11.10.2022

Rajbir Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr.Rajesh Bansal, Advocate
for the petitioner.

Mr. Sandeep Singh Maan, Additional Advocate General,
Haryana.

Harsimran Singh Sethi, J. (Oral)

In the present petition, the prayer of the petitioner is for setting aside the impugned order dated 30.03.2016 (Annexure P-9) vide which, the prayer of the petitioner for modification of the punishment imposed upon him by his Excellency Governor of Haryana dated 28.05.2013, has been declined.

The facts leading to the filing of the present petition are that the petitioner joined as Instructor in the year 1995 in the Stenography line in the subject of English in Industrial Training Institute, Sonapat. On 08.04.2011, respondent No.1 made a surprise visit at the said institute and inspection was done during which, it transpired that the discharge of the

duties by the petitioner was not in accordance with law as Computers, which were to be used for imparting training to the students, were not in working condition and even the type test of the students showed that the petitioner was not taking any interest in imparting the education. The petitioner was suspended and, thereafter, a chargesheet was issued to the petitioner. During the pendency of the disciplinary proceedings, the petitioner was reinstated in service on 29.11.2011 and vide order dated 11.01.2012, the petitioner was found guilty of the allegations and he was imposed the punishment of stoppage of two annual increments with cumulative effect.

Against the said order of punishment, the petitioner filed an appeal but the Appellate Authority vide order dated 18.10.2012 uphold the said punishment. Not being satisfied, the petitioner filed a memorial before the Governor of the State of Haryana and vide order dated 02.08.2013, the Hon'ble Governor modified the punishment to be stoppage of one annual increment without cumulative effect.

Not being satisfied, the petitioner filed the writ petition before this Court with a prayer that a similarly situated employee has been imposed punishment of censure whereas, one increment of the petitioner has been stopped and hence, the petitioner has been discriminated and the writ petition filed by the petitioner being CWP No. 20338 of 2015 was withdrawn by the petitioner with liberty to approach the respondents once again.

Keeping in view the representation filed by the petitioner that the petitioner be treated in a similar fashion in respect of the punishment as imposed upon Smt. Sarla, who was working as Instructor, Stenography

in the subject of Hindi, the said representation has been decided by the respondent vide order dated 30.03.2016 and the punishment imposed upon the petitioner of stoppage of one annual increment without cumulative effect has been maintained. The said order dated 30.03.2016 is under challenge in the present petition.

Learned counsel for the petitioner argues that once the allegations against the petitioner and Smt. Sarla were similar, the petitioner should have been awarded the punishment akin to the one awarded to Smt.Sarla.

After notice of motion, the respondents have filed reply wherein, the respondents have stated that more than one Authority has considered the claim of the petitioner and appropriate order with regard to the imposition of punishment has been passed, which has been maintained by the impugned order and the claim of the petitioner that he is similarly situated as Smt. Sarla is incorrect.

I have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

The only grievance being raised by the petitioner is that he has not been dealt with in the similar fashion as Smt. Sarla, who was also accused of the similar allegation. The contention of the respondents is that the claim of the petitioner that he is similarly situated as Smt. Sarla is not correct. The allegations against the petitioner are that of not maintaining the equipment, which is used for imparting the training as the same was not found in working condition due to which act on the part of the petitioner, training could not be imparted to the students whereas, the allegation against Smt. Sarla was only that during the surprise visit a

surprise test of the students was taken and the result of the said test of the students showed that they were not being taught by Smt. Sarla properly. Once the allegations against the petitioner are not maintaining the equipment and also not using the same, which act on the part of the petitioner shows that he was not doing his duties as per law, the petitioner cannot claim parity with Smt. Sarla in respect of the award of the punishment. Hence, no interference is being called for by this Court in the punishment.

Dismissed.

October 11, 2022
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*