

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA-1639-2018 (O&M)

Date of decision: 16.05.2022

Chairman, Managing Committee, DRDO Educational Society, T.B.R.L.
Range, Ramgarh, District Panchkula

..... Appellant

Versus

Gurmeet Singh

..... Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

PRESENT: Mr. Parveen Gupta, Advocate for the appellant.

Mr. Lalit Rishi, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

The appellant-Managing Committee, has come up in this appeal against the order dated 29.08.2018, passed by the learned Single Bench whereby a direction has been given in COCP-578-2016, 'Gurmeet Singh Vs. V.K. Devgan', to the appellant to comply with the orders passed by this Court and give all consequential benefits to the respondent-employee, whose punishment order was set aside vide order dated 31.10.2011 as well as the order of the Appellate Authority dated 13.03.2014.

A perusal of impugned order shows that when the Appellate Authority had passed the order dated 13.03.2014, liberty has been granted to the respondent-Appellate Authority, to initiate fresh enquiry and pass consequent order thereon. In this order, it has further been observed that a fresh order after giving opportunity of hearing to the respondent-

employee has already been passed and punishment of stoppage of one annual increment with cumulative effect has been imposed w.e.f. 01.07.2012. The fresh order passed by the Appellate Authority dated 22.08.2017 has been placed on record as Annexure A-1.

A perusal of order Annexure A-1 shows that this order has been passed after appointment of an Enquiry Officer, who conducted the enquiry and gave his report on 20.07.2017. A copy of the enquiry report was given to the respondent-employee and penalty of withholding of one annual increment with cumulative effect was awarded w.e.f. 01.07.2012. Since, the order dated 22.08.2017 (Annexure A-1) has been passed by giving an opportunity of hearing to the respondent-employee, no case is made out to give directions to the appellant-Management Committee to give all consequential benefits of payment of arrears of one increment to the respondent employee.

In view of the above, the present Letters Patent Appeal is allowed and impugned order dated 29.08.2018 is being modified. Let the contempt proceedings be decided without insisting on the appellant-Managing Committee to make the payment of arrears of one increment.

(RITU BAHRI)
JUDGE

May 16, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No