

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

**CWP No. 28289-2022
Date of Decision: 08.12.2022**

Gurmukh Singh

.....Petitioner

Vs.

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ravinder Pal Singh, Advocate,
for the petitioner.

Ms. Puneeta Sethi, Senior Panel Counsel, for
respondent no. 1-Union of India.

G.S.SANDHAWALIA, J. (ORAL)

The challenge in the present writ petition is to the order of the Central Administrative Tribunal, (for short 'the Tribunal') dated 10.04.2018 (Annexure P-4). The Tribunal has upheld the order dated 26.12.2014, passed by the Director Postal Services, Punjab West Region, Chandigarh (appended as Annexure A-2 along with Annexure P-1), wherein after issuing show cause notice, the punishment was enhanced from 'censure' to with holding of increment for a period of one year without cumulative effect.

The revision filed on 09.04.2015 (appended as Annexure A-7 along with Annexure P-1), had also been rejected by the Postmaster Grade-1, Sector 18, Chandigarh, which was also subject matter of consideration before the CAT, apart from the initial order of 'censure'

dated 22.04.2014 (appended as Annexure A-1 with Annexure P-1).

The Tribunal has noticed that an enquiry was conducted on the charges of mis-conduct and the Central Civil Services (Conduct), Rules, 1964, were duly complied with and therefore, there there was no such reason to interfere in the order of punishment and neither it was disproportionate to the gravity of the delinquent act nor against the principles of proportionality.

The Tribunal has also noticed that the punishment was awarded in terms of the aforesaid Rules, on account of the non-preservation of record related to a fraud case. It was further noticed that till the fraud case was closed, the related records could not be weeded out as it would amount to weeding out of evidence relating to the fraud case.

In view of the above, we are of the considered opinion that the order passed by the Tribunal, as such, does not suffer from any infirmity, as it is based on the settled principles.

Apart from that, it is our considered opinion that even this writ petition is barred on the principles of delay and laches, as the same having been filed after more than 04 years of the impugned order. Therefore, we are not inclined to exercise an extra-ordinary writ jurisdiction, as it is a discretionary relief.

Another aspect which we are keeping in mind not to entertain the writ is that the punishment, as such, is only for stoppage of an increment without cumulative and for this meager amount, this litigation has been initiated. Therefore, on that account also, we do not wish to call upon the other side to file reply.

The petition is consequently, dismissed.

(G.S. SANDHAWALIA)
JUDGE

December 08, 2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether Reportable	Yes/No