

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

CWP-5825-2023 (O&M)

Date of decision: 17.04.2023

Sandeep Khunger

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr.Raj Kumar, Advocate for
Ms.Neesh Garg, Advocate for the petitioner

Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. On 21.03.2023, the following order has been passed by this

Court:-

“1. While praying for the issuance of the writ in the nature of certiorari, the petitioner prays for setting aside the orders dated 03.12.2020 and 28.12.2020.

2. Heard the learned counsel representing the parties at some length.

3. The learned counsel representing the petitioner submits that the complaint against the petitioner was submitted by the officials of the District Education Officer (hereinafter referred to as “the DEO”). Hence, the DEO was wrongly appointed as an Inquiry Officer. It is further claimed that the petitioner has been awarded three different punishments for the same charge.

4. At the relevant time, the petitioner was posted as a Lecturer in the Government Senior Secondary School (Boys) at Fazilka . Pursuant to the information received to the effect that the petitioner has connected with a private school that competes

with the aforesaid government school, the departmental proceedings were initiated against him. He was also transferred to Tarn Taran. Pursuant to the transfer order, the petitioner was sought to be relieved, however, during the period of COVID-19 pandemic, he was permitted to work in the office of the Sub Divisional Magistrate Fazilka, as well as the Additional Deputy Commissioner, Fazilka. On 21.05.2020, the petitioner's transfer order was stayed. A memorandum of charge sheet was issued to the petitioner and ultimately, the DEO, Fazilka, was appointed as an Inquiry Officer in the disciplinary proceedings. After examining the evidence produced, the Inquiry Officer reported that the charges against the petitioner stand proved as the aforesaid private school is run by his brother and his mother is a partner in the school. Ultimately, the disciplinary authority, after granting an opportunity of hearing to the petitioner, has ordered stoppage of three increments with cumulative effect. The writ petition filed by the petitioner challenging the transfer order was disposed of by directing the respondents to pass a speaking order.

5. *The aforesaid speaking order has been passed and the petitioner has already joined at Tarn Taran. The officials of the office of the DEO cannot be equated with the complainant. On receipt of an information, they have processed the same and placed the material before the disciplinary authority. Ultimately, the disciplinary authority has taken a decision to initiate the disciplinary proceedings against the petitioner. Hence, the nomination of the DEO as the Inquiry Officer does not suffer from any illegality or perversity.*

6. *As regards the argument of the learned counsel representing the petitioner that the petitioner has been punished with the multiple punishments, it would be noticed that neither the order of transfer of the petitioner nor withdrawal of the award of appreciation would fall within the definition of term "Punishment". However, prima facie, the petitioner has some substance with regard to the claim of salary for the period he worked in the office of the Sub*

Divisional Magistrate as well as the Additional Deputy Commissioner.

7. *The learned State counsel is requested to get the complete instructions before the next date of hearing.*

8. *List on 17.04.2023, in the urgent list.”*

2. It is evident from the reading of the aforesaid order that the only sustaining issue was with regard to the claim of the salary for the period, the petitioner worked in the offices of Sub Divisional Magistrate as well as the Additional Deputy Commissioner.

3. Learned State counsel has submitted that the competent authority on 13.04.2023 has passed an order, which entitles the petitioner to be paid the salary for the period he has worked.

4. Keeping in view the aforesaid facts, no further order is required to be passed.

5. Disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

17.04.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE