

118.

2023:PHHC:063476

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

CWP-7739-2023

Date of Decision: 03.05.2023

PREM SINGH, JE

.... Petitioner

Versus

MANAGING DIRECTOR DAKSHIN HRY. BIJLI VITRAN NIGAM LTD.
AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Thakan, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

1. The petitioner herein seeks a writ in the nature of certiorari for setting aside order dated 19.04.2018 Annexure P-5 passed by respondent No.2 whereby punishment of stoppage of one annual increment without future effect has been inflicted upon him, further seeking a direction to the respondents to restore the amount of Rs.2,75,000/- deducted from him.

2. Brief facts of the case are that the petitioner is posted as J.E. under respondent No.3. In the year 2016, one Sajjan son of Shri Sahi Ram, Village Brar Khera, applied for No Due Certificate in Sub Division No.2, Jind. The application was marked to the line staff of Village Brar Khera, namely, Vikram Singh and Mohinder Singh, both ALMs. Both these persons reported that nothing was due against the applicant-Sajjan. On that basis, the petitioner signed the NDC, whereas Rs.82,861/- was due against the father of

the applicant-Sajjan on the same premises. The matter was reported to the higher authorities and charge sheets were issued to the delinquents including the petitioner. It is submitted that the charge-sheets issued to both the ALMs were dropped by merely issuing warning. It is submitted that the consumer paid his outstanding amount under surcharge waiver scheme launched by the Nigam. However, the disciplinary authority passed order dated 19.04.2018 Annexure P-5 whereby one annual increment without future effect was stopped. The petitioner was retired on 30.04.2019 and from his retiral dues, an amount of Rs.2,75,000/- has been deducted. Aggrieved, the petitioner has filed an appeal on 19.07.2018 before respondent No.1 which is stated to be yet pending.

3. Counsel for the petitioner would submit that at this stage, the petitioner would be satisfied in case his appeal is decided in accordance with law, in a time bound manner.

4. Notice of motion.

5. Mr. Anant Kataria, DAG, Haryana, who is present in the Court, accepts notice on behalf of respondents.

6. Let sufficient number of copies of complete paper book be supplied to the counsel appearing on behalf of the respondents during the course of day.

7. Without commenting on merits of the case and keeping in view the limited prayer made by counsel for the petitioner, the present petition is disposed of with a direction to the respondents to decide the appeal of the petitioner (if not already decided), within a period of two months from the

date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case the appeal is allowed, the petitioner be released the amount so deducted forthwith.

(JAISHREE THAKUR)
JUDGE

03.05.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No