

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 13212 of 2022

Date of decision: 30th May, 2023

Shamsher Singh

Petitioner

v.

Uttar Haryana Bijli Vitran Nigam Limited and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok K. Sharma, Advocate for
Mr. Ramesh Kumar, Advocate for the petitioner.
Mr. Padam Kant Dwivedi, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of orders dated 11.12.2017 and 4.12.2018, stopping two annual increments of the petitioner without future effect and dismissing the appeal respectively.
2. The brief facts are that the petitioner was working as Junior Engineer under Sub-Division No. 1, Uttar Haryana Bijli Vitran Nigam Limited, Pundri. He was charge-sheeted on 6.7.2017. The petitioner made a request for inspection of the record for enabling him to file reply. He was not permitted to inspect the record. Two annual increments without future effect were stopped vide order dated 11.12.2017. The appeal filed by the petitioner on 20.3.2018 was dismissed as time-barred.
3. Learned counsel for the petitioner submits that the appeal was rejected by an office order without affording any opportunity.
4. Learned counsel for the respondents defends the impugned

order.

5. Before proceeding further, it would be appropriate to reproduce the order rejecting the appeal of the petitioner as time barred:

“Reference your appeal dated 20.3.2018 on the subject cited above.

In this context, it is intimated that your appeal made against O/o No.1490/EPF-7074 dated 11.12.2017 is time barred, hence rejected.

This issues with the approval of Director/Technical-II, UHBVNL, Panchkula.”

6. From a perusal of the order, it is evident that the appeal was rejected without affording any opportunity or presenting it before the appellate authority.

7. In view of the above, the order dated 4.12.2018 rejecting the appeal as time bared is set aside and the matter is remitted back to respondent No. 2 to decide the appeal afresh in accordance with law, including the issue of limitation.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

30th May, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No