

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

(206)

LPA-2028-2019

Decided on : 18.12.2023

Yogender Kumar

.....Appellant(s)

Versus

Punjab & Haryana High Court and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sushil Dhull, Advocate for
Mr.Gopal Sharma, Advocate for the appellant.

Mr. Rajeev Anand, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

1. Consideration in the present Letters Patent Appeal is to the order of the learned Single Judge passed in CWP-7186-2019 filed by the appellant whereby the writ petition was dismissed on 15.03.2019.

2. The learned Single Judge did not interfere in the order of the punishment imposed regarding stoppage of two annual increments with cumulative effect by the District & Sessions Judge, Hisar dated 21.02.2017. Against the said order service appeal had also been filed, which was dismissed by the Hon'ble Administrative Judge of Hisar Session Division on 07.09.2018 (Annexure P-15). The learned Single Judge had noticed that this was a case where harsher punishment was called for, but it was only an act of leniency by the District & Sessions Judge that the appellant had only got major punishment of stoppage of two increments with cumulative effect and there was no warrant to come to the conclusion that a young Judicial Officer had made a false complaint against a senior member of the staff. Therefore, the learned Single Judge did not interfere in the orders passed by the disciplinary authority imposing the said punishment.

3. We have gone through the paper-book. Apparently, in pursuance of the departmental proceedings which had been initiated by way of charge-sheet under Rule 7 of the Haryana Civil Services (Punishment & Appeal Rules), 1987, the appellant had been proceeded against when he was under suspension on account of the fact that there was a complaint by the Judicial Officer against him. Reply to the charge-sheet had been filed on 25.08.2016 (Annexure P-4) and thereafter, keeping in view the fact the explanation given was not good enough, the Additional District & Sessions Judge, Hisar was appointed as Enquiry Officer, vide order dated 05.09.2016 (Annexure P-7). The said Enquiry Officer gave his report dated 30.11.2016 (Annexure P-8). The punishing authority noticed that the charges stood proved. Second show cause notice was also issued on 15.12.2016 (Annexure P-9) as provided under Rule 4 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016. An opportunity of personal hearing was also afforded to the appellant by the learned District & Sessions Judge, Hisar on 06.01.2017. Resultantly, keeping in view the fact that he had a family to support consisting of his old ailing mother, spouse and two children and the fact that he had also made a statement that he will not commit any such lapse in future, the penalty of stoppage of two annual increments with cumulative effect was imposed on 21.02.2017 (Annexure P-12).

4. It is also pertinent to notice that the Judicial Officer herself had appeared in the departmental proceedings before the Enquiry Officer and given the details of the mis-conduct of the appellant regarding the fact that he had put to notice regarding the allegations. The charge-sheet dated 10.08.2016 (Annexure P-3) would go on to show that the statement of allegations was specific that he was indulging in corrupt practices and various oral complaints

had been made and despite direction to work diligently, there was no improvement after a period of three months and to continue the official on his post would be detrimental to the department. Statement of charges is also on the same line regarding devotion of duty and being unbecoming of a Government employee.

5. It is apparent from the paper-book that there was no lacuna in the procedure which had been followed and the principle of natural justice was adhered to. Statement of Judicial Officer who was examined in the departmental proceedings was to the effect that suggestions were being given how to proceed in the files qua specific advocate with whom the son of the appellant was working. The officer had also deposed that she did not want to disclose the name of those advocates with whom the clerks were attached from where she got the information regarding demanding of bribes. The specific averments were made regarding Shri Pawan, Peon/Process Server who had seen the appellant accepting the bribe. It was also stated by the officer that four counsels had come to the chamber requesting the officer to withdraw her complaint against the delinquent official.

6. In such circumstances, we are of the considered opinion that stoppage of two annual increments with cumulative effect cannot be held to be unjustified in any manner. The findings recorded by the learned Single Judge refusing to interfere are well justified wherein it has also been recorded that in the cases of petty corruption, it is very difficult to get the proof and even people are reluctant to come forward and complain. An effort was made by the Presiding Officer to cleanse the system and resultantly no fault can be found in the said follow up action.

7. Resultantly, there is no ground made out to interfere in the order passed by the learned Single Judge and the punishing authority. The appeal is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

18.12.2023
Naveen

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No