

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

**CWP-19400-2021 (O&M)
DECIDED ON: 28.07.2023**

RAJ KUMAR

.....PETITIONER

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. V.D. Sharma, Advocate
for the petitioner.

Ms. Nikita Goel, Advocate for respondents.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing of impugned charge-sheet dated 03.03.2017 (Annexure P-2), impugned non-speaking order dated 08.03.2018 (Annexure P-4) vide which inflicting punishment to recover an amount of Rs.3,23,343.50 has been imposed as well as impugned order dated 02.03.2020 (Annexure P-6) vide which the appeal filed by the petitioner, has been rejected.

2. With the assistance of learned counsel for the petitioner, an order dated 08.03.2018 (Annexure P-4) has been perused, which clearly shows that the same is the cryptic and non-speaking, wherein no reasons have been recorded while awarding the punishment of recovery of 50% amount on account of loss suffered by the respondent-Nigam.

3. Learned counsel for the petitioner has also submitted that on the same set of allegations, the charge-sheet was issued to Sandeep Sikri, SDO, upon whom

the punishment of stoppage of one annual increment without future effect was

imposed, which was thereafter reduced to 'censure' by Appellate Authority.

4. On a query put by this Court that as to why this amount of 50 % total loss, can be effected from the delinquent employee namely Raj Kumar, J.E., despite the fact that whole of the amount of loss suffered by the Nigam already stands recovered from the contractor namely M/s Lakshay Electricals Construction Company, Panipat an admitted fact from both the parties, as is evident from an order dated 08.03.2018 (Annexure P-4) itself.

5 However, without going further into the merits at this stage, Ms. Nikita Goel, Advocate for respondents has very fairly and candidly submitted that the order dated 03.03.2017, which is impugned before this Court suffers from procedural lacunas and Nigam be granted an opportunity to proceed afresh after complying with due procedure, as prescribed in law i.e., adhering to the principles of natural justice, as neither regular inquiry was conducted nor any reasons were recorded for the calculation of the amount so recorded.

6. In the light of the order dated 03.03.2017 (Annexure P-2) is quashed with the observation that respondent-Nigam will be at liberty to conduct fresh departmental proceedings in accordance with the law.

7. It is hereby made clear that no discussion or observations made in the instant order, shall not be considered as any opinion or finding against the petitioner, while proceeding afresh.

8. Accordingly, the petition is dispose of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

28.07.2023

Meenu

Whether speaking/reasoned Yes/No
Whether reportable Yes/No