

110

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19191-2023

Date of Decision: 01.09.2023

Sanjiv Vaid

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Rakesh K. Kaundal, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this Writ Petition assails the order of penalty awarded to the petitioner of stopping one grade increment without cumulative effect. Along with the same, the petitioner has been also awarded penalty to recover the excessive released amount of Rs.3,24,889/- from his salary.
2. Learned counsel submits that the punishment could have been awarded only either of recovery of the excessive released amount or of punishing him with stopping of one increment without cumulative effect. Both the punishments could not have been passed side by side.
3. I have considered his submissions.
4. The submission of the petitioner is wholly misconceived. Once the departmental authority, after considering the enquiry report, reaches to the conclusion that a loss has been caused, minor penalties can be imposed which can be more than one. There is no such embargo under

Rule 5 of Part III of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (for short ‘Rules, 1970’) restraining the disciplinary authority to pass only one punishment.

- 5. Learned counsel has relied on Rule 2(f) of the Rules, 1970 to submit that the Government employee can be suffered of any of the penalties specified under Rule 5 of Rules, 1970.
- 6. The said submission is also misconceived as Rule 2 lays down the definitions and as per Rule 2(f), the definition of punishing authority has been mentioned which means the authority competent under the Rules to impose on a Government employee any of the penalties specified in Rule 5. The word ‘*any of the penalties*’ mentioned therein empowers the punishing authority to impose the penalties. However, it does not restrict the concerned punishing authority for imposing more than one punishment envisaged under the minor penalty under Rule 5. Even otherwise, the recovery of loss caused to the State Government can always be ordered apart from imposing a penalty of stopping of increments which is a punitive part.
- 7. In view thereof, the Writ Petition is found to be wholly misconceived and is accordingly dismissed.
- 8. Pending application(s), if any, also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 01, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |