

126

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20186-2023 (O&M)
Date of Decision: 20.09.2023

Ajaib Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Dr. Rau P.S. Girwar, Advocate
Ms. Archana Arora, Advocate,
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition seeks to challenge the order of punishment awarded to the petitioner whereby he has been punished with stopping of 3 grade increments with cumulative effect, as well as the order passed in appeal whereby his appeal was rejected.
2. Learned counsel for the petitioner submits that the inquiry officer has failed to conduct the inquiry fairly and transparently, and the petitioner was not given a fair opportunity.
3. Learned counsel submits that the entire inquiry proceedings were initiated on account of malice effected on account of the petitioner having refused to perform domestic work at the Jail Superintendent's house.
4. I have considered the submissions.
5. The petitioner was served with a charge-sheet for allegations of being in an aberrated condition while on duty, and when checked, he also

abused his superior officers, whereafter he was medically examined and was found to be under the influence of liquor. An inquiry officer was appointed who conducted an inquiry and the copy of the inquiry report was made available to the petitioner to submit his objections, whereafter considering his objections and the findings in the inquiry, the disciplinary authority found the charge proved and considering that it was a case of indiscipline of warder in the jail while on duty, a punishment of stopping 3 annual promotions was passed and the same was also approved in appeal by a detailed order.

- 6. In view of above, this Court is satisfied that the principles of natural justice and the principles laid down under the Punjab Civil Services (Punishment And Appeal) Rules, 1970 have been duly followed; the allegation of *mala fide* is found to be only a bald allegation and has not been proved at this stage. The scope of interference in departmental proceedings is limited in view of the judgment passed by the Apex Court in *CISF and others vs. Abrar Ali reported in 2017(1) SCT 682*.
- 7. Keeping in view above, no interference is warranted.
- 8. Accordingly, present writ petition stands *dismissed*.
- 9. Pending application(s), if any, also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 20, 2023
Mohit goyal

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