

219 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-24349-2021  
DECIDED ON:04.07.2023

GHANSHYAM DASS

.....PETITIONER

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. A.K. Viridi, Advocate  
for the petitioner.

Mr. Satyam Tondon, Advocate with  
Ms. Nisha Kanojia, Advocate  
for respondents No.1 to 7.

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**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court under Articles 226/227 of the Constitution of India has been invoked for the issuance of a writ in the nature of certiorari for quashing and setting aside of the orders dated 30.04.2019 (Annexure P-1) passed by the punishing authority and dated 29.11.2019 (Annexure P-2) passed by the Appellate Authority whereby, the punishment of stoppage of three annual increments without future effect was imposed by the punishing authority.

2. Learned counsel for the petitioner has contended that the afore-said punishment under order has been passed without conducting any regular inquiry and the petitioner has been awarded punishment in violation of basic principle of service jurisprudence of *audi alteram partem* i.e. no body should

be punished unheard. The said order of punishment is stated to have been upheld by the Appellate Authority vide order dated 29.11.2019 (Annexure P-

2). Learned counsel for the petitioner has further put reliance upon a decision rendered by the Apex Court in the case of **O.K. Bhardwaj vs. Union of India and others; 2001 (9) SCC 180.** The petitioner has assailed the said order on the ground that the respondents are after him purposely and the petitioner has been made scapegoat by reporting wrong facts by the incumbent JE/SDO/XEN and accordingly, he was charge-sheeted.

4. Mr. Sanjay Tandon, Advocate for respondent No.1 to 7 on the other hand vehemently contends that the petitioner has been issued charge-sheet under DHBVN Employees (Punishment and Appeal) Regulation, 2006 and under Rule 8 of the same. As per the said Rule, a regular inquiry is not required to be conducted for imposition of minor penalty and withdrawal of stoppage of three increments without cumulative effect is a minor penalty as per Rule 4-A(iii).

5. On the other aspect that the petitioner failed to perform his duties and did not dismantle the transformer as well as high tension wires, even after elapse of about 9 months of disconnection of the electricity connection. It is to be noted here that petitioner remained posted as Junior Engineer in SDO/OP Sub-Division, DHBVN, Badrola from 09.09.2013 to 02.01.2015 and a permanent disconnection order (PDCO) was issued on 21.11.2013. It is apparent from the perusal of order dated 24.04.2014 issued by respondent No.6, the petitioner was transferred from SDO/OP Sub-Division, DHBVN, Badrola to SDO/OP, S/Divn No.-5, DHBVN, Faridabad.

6. The petitioner had removed the electricity meter and cable of the

defaulting consumer on 21.11.2013, however, 100 KVA transformer was not removed as one number connection released in the name of M/S Century Infra Power Ltd., for the construction of Nigam 33 KV Sub Station was being fed from that transformer and there was no other alternative source of supply nearby from where the above said consumer could be fed and now the petitioner is being made scapegoat. Moreover, the department has made comments on account of unauthorised use of theft of electricity from the consumer as penalty according to the regulation, as incorporated under the Electricity Act.

7. Be that as it may, this Court agrees with the contention of learned counsel for the petitioner to the fact that there is no requirement to conduct a regular inquiry in case minor punishment is to be awarded on merits as well as the petitioner was given the charge of Badrola Division with immediate effect vide office order No.16, dated 24.04.2014 and as such the petitioner cannot be held liable for not dismantling the concerned transformer as well as disconnecting the high tension wires permanently. The petitioner though, has done his duty during his charge in that area by disconnecting the connection on 21.11.2013 itself, therefore, the order of punishment dated 29.11.2019 (Annexure P-2) passed by the Appellate Court as well as the order dated 30.04.2019 (Annexure P-1) passed by the punishment authority are absolutely unwarranted, illegal and against the evidence on record, which is duly supported by official documents and there is no reason for this Court to disbelieve the same.

(SANDEEP MOUDGIL)  
JUDGE

04.07.2023

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