

2023:PHHC:119161

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

**RSA-5518-2018 (O&M)**  
Date of decision: 11.09.2023

Parkash Singh

..Appellant

Versus

State of Punjab and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sharwan Sehgal, Advocate for the appellant  
Mr. Vikas Arora, AAG, Punjab

**ANIL KSHETARPAL, J (Oral)**

1. The correctness of the concurrent findings of fact arrived at by the courts below while dismissing the plaintiff's suit is challenged by him in this Regular Second Appeal.

2. It has come on record that the plaintiff was issued charge-sheet and after considering his reply, a departmental inquiry was ordered. The inquiry officer found that the charges against the appellant were proved. Thereafter, a show cause notice was issued to the appellant and after considering his comments, the order dated 05.10.2010 was proposed. The matter was sent to the Punjab Public Service Commission as he was a Class I Officer. After getting approval from the Punjab Public Service Commission, the impugned order was issued on 29.01.2013. The authorities have decided to impose 5% cut on his pension.

3. Learned counsel representing the appellant submits that the approval of the Punjab Public Service Commission has been sought subsequently after the disciplinary authority took a decision.

4. This Court has considered the submissions made by the learned counsel representing the parties. The disciplinary authority has only proposed the order by sending it to the Public Service Commission. Moreover, as per Article 320 of the Constitution of India only consultation with the Public Service Commission is required. Hence, no ground to interfere is made out.

5. Dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

11.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)  
JUDGE