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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-2590-2024
Date of Decision: 07.02.2024

Pooja Rani

..... Petitioner

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd.
and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akshay Jindal, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 03.03.2021 (Annexure P-1) whereby punishment of stoppage of one annual increment has been ordered against the petitioner and also for quashing the order dated 26.08.2019 (Annexure P-7) passed by the Managing Director, HSIIDC, whereby minor penalty was imposed against the present petitioner.

2. The brief facts of the present case are that the petitioner is working as Senior Manager Accounts in HSIIDC, Gurugram and she was issued show-cause notice vide Annexure P-2 dated 17.01.2019 on the ground that with respect to one construction company, a bill which was put up to her amounting to Rs.53,89,440/- and which was checked for Rs.53,52,751/- on 28.12.2017 with a proposal to send the bill to the Head

Office for pre-audit. However, the aforesaid bill was thereafter never processed and rather another bill was put up to her which was a bifurcated bill of the aforesaid amount with a purpose to avoid pre-audit since the amount in the bifurcated bills was less than Rs.50 lacs. The earlier bill which was of Rs.53,52,751/- was checked by the petitioner on 28.12.2017 and the same amount in the bifurcated bills was checked by her on 01.01.2018 and 02.01.2018, respectively. In case, the aforesaid first bill of Rs.53,52,751/- was to be processed with regard to the payment to be made to the construction company then it had to mandatorily go to the Head Office for pre-audit which could have taken time and the aforesaid bill thereafter, could not be traced but the second two bifurcated bills were taken by the petitioner and were passed by her even after knowing well that earlier she had passed a consolidated bill of Rs.53,52,751/-. On these charges, the petitioner filed a reply to the show-cause notice and was given an opportunity of hearing. In addition to the present petitioner, the officer superior to the petitioner, namely, D.S. Bhatti was also issued show-cause notice for the same allegation. Thereafter, vide Annexure P-7, the Managing Director of the respondent-Corporation inflicted a minor penalty of stoppage of two increments without cumulative effect to the petitioner and the aforesaid Officer, namely, D.S. Bhatti. The petitioner thereafter, filed an appeal before the PSCM-cum-Chairman and vide Annexure P-1, the order of punishment was modified and it was reduced to only one increment without cumulative effect and as per the order, the reason for the same was that the punishment of stoppage of two increments without cumulative effect was also inflicted upon the aforesaid D.S. Bhatti, but he had retired

after a year and therefore, the effect of stoppage of one increment could be made operational and second was extinguished because he attained the age of superannuation and in order to bring the petitioner at parity the Appellate Authority modified the order by reducing from two increments to one increment.

3. Learned counsel for the petitioner submitted that the petitioner was wrongly punished by the punishing authority and also that of the Appellate Authority in view of the fact that rather the petitioner was the complainant and the petitioner had highlighted the same to the Managing Director of the Corporation that the aforesaid D.S. Bhatti had pressurized her to pass the bifurcated bill and this was brought to the notice of Managing Director vide Annexure P-10 dated 26.02.2018 and she was put under pressure by the aforesaid D.S. Bhatti, who was her superior officer because of which she had passed the bill. He further submitted that since the petitioner had acted under pressure and the petitioner herself brought the same to the notice of the Managing Director, the career of the petitioner will be effected in the case the orders of punishment are not set aside by this Court.

4. I have heard learned counsel for the parties.

5. A perusal of the orders of punishment (Annexure P-7) and the appellate order (Annexure P-1) would show that it is a case where it is not denied by the petitioner that she had cleared the bills. Initially a bill of Rs.53,52,751/- was put up before her and she had sent the bills to the Head Office for pre-audit because the amount was more than Rs.50 lacs. Thereafter, the aforesaid bill which was a consolidated bill had not come

into picture and even as per the allegations, it might have been destroyed by anybody although there is no accountability of the petitioner fixed in this regard. However, thereafter two different bifurcated bills of the same amount were again presented to the petitioner and since now the amount was less than Rs.50 lacs, the petitioner had knowingly well, passed the bill and in this way the payment might have been made to the contractor. It is not the case of the petitioner that the petitioner did not know or did not have knowledge that for the second time, same bill was being put up before her which she had passed now but it is a case of the petitioner that she was under the pressure of the aforesaid officer, namely, D.S. Bhatti. However, a perusal of the show-cause notice (Annexure P-2) would show that first consolidated bill was checked by petitioner on 28.12.2017 and she sent it to the Head Office for pre-audit and with regard to the same amount in a bifurcated form two bills were again checked and passed by her on 01.01.2018 and 02.01.2018, respectively. So far as the argument raised by the learned counsel for the petitioner that she herself had complained to the Higher Authorities/Managing Director is concerned, the same is clear from the letter (Annexure P-10) which she had written a letter to the Managing Director in this regard. However, the aforesaid letter is dated 26.02.2018 which is much later when she had actually passed the second bifurcated bills. Therefore, it cannot be inferred that the petitioner at the first instance instead of checking and passing the second bifurcated bills had complained to the Higher Authorities but after doing an act which was not in conformity with the Rules that thereafter on 26.02.2018 she wrote to the Managing Director.

6. This Court is of the view that even otherwise also the arguments which have been raised by the learned counsel for the petitioner that she was under the pressure of the aforesaid officer, namely, D.S. Bhatti is purely disputed question of fact which cannot be gone into by this Court. The orders under challenge are pertaining to stoppage of one increment without cumulative effect which is a minor punishment and on the basis of the submission made by learned counsel for the petitioner, this Court would not re-appretiate the entire evidence and form its own opinion regarding the responsibility of the petitioner. No ground is made out for interference under Article 226 of the Constitution of India.

7. Consequently, the present writ petition is hereby dismissed.

07.02.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No