

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9174 of 2020 (O&M)
Date of decision:10.01.2024

Surinder Kumar Kaler
.....Petitioner
Versus
Punjab State Power Corporation Limited and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Kuthiala, Advocate
for the petitioner.

Ms. Khushboo Garg, Advocate
for Mr. Abhilaksh Grover, Advocate
for the respondents.

NAMIT KUMAR J. (Oral)

1. Challenge in the present petition filed under Articles 226/227 of the Constitution of India, is to the order dated 28.10.2015 (Annexure P-7) whereby the punishment of stoppage of two annual increments with cumulative effect has been imposed upon the petitioner and the order dated 17.05.2017 (Annexure P-9), passed by the learned Appellate Authority, whereby the appeal preferred by the petitioner has been rejected.
2. Learned counsel for the petitioner inter alia contends that apart from the other points, which have been taken in the present writ petition, one of the ground so as to challenge the order dated 17.05.2017 is that the same is a totally cryptic and non-speaking order as none of the points raised in the appeal have been considered by the learned

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Appellate Authority and therefore, he would be satisfied, if the matter is remanded back to the learned Appellate Authority to reconsider the appeal of the petitioner.

3. I have perused the order dated 17.05.2017 passed by the learned Appellate Authority and the concluding part of the same, reads as follows:-

“Office order No.09/D-201 Dated: 17.05.2017

Whereas when Sh. Surinder Kumar Kaler, Chief Chemist (Code No.105930) was working in G.G.S.S.T.P., Roopnagar, he committed irregularities/negligencies, on which, Charge sheet No.16/D-186 dated 7.10.2013 was issued to him.

Whereas reply to charge-sheet submitted by Sh. Surinder Kumar Kaler, Chief Chemist (Code No.105930).

Whereas on going through the charges leveled in charge-sheet, reply to charge-sheet, submitted by the said officer, comments submitted by concerned offices, enquiry report submitted by Inquiry Officer and other facts, it was directed to seize two annual increments of Sh. Surinder Kumar Kaler, Chief Chemist (Code No.105930) with prospective effect.

In compliance to said order, an office order No. 17/D.S.I.-186 dated 28.10.2015 issued by this office.

Whereas Sh. Surinder Kumar Kaler, Chief Chemist (Code No.105930) filed his appeal against said office order No.17/D.S.I.-186 dated 28.10.2015.

Whereas the appeal case of said officer considered by the Committee of Whole time Directors at agenda item No.01/D-201 dated 14.03.2017 in their 192nd meeting, held at Chandigarh on 27.4.2017, in which, it is resolved as follows:-

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“The Committee of Whole Time Directors, after considering the details given in the agenda, passed the following resolution:

RESOLVED THAT considering the charges leveled, appeal of Sh. Surinder Kumar Kaler, Chief Chemist (Code No.105930) in respect of his appeal against office order No.17/D.S.I-186 dated 28.10.2015 on magnitude of punishment awarded and view of Directing Distribution given after personal hearing the Committee found no merit in the appeal of official and hence, rejected the same.”

As per resolution passed by Whole Time Directors, it is ordered by P.S.P.C.L. to dismiss the appeal, filed by Sh. Surinder Kumar Kaler, Chief Chemist (Code No.105930) against office order No.17/D.S.I.-186 dated 28.10.2015.

This is being issued with permission by Whole Time Directors.

*Sd/- Joint Secretary/Enquiry,
P.S.P.C.L., Patiala*

Endst. No.622/628/D.S.I./D-201 Dated: 17.05.2017”

4. A perusal of the impugned order dated 17.05.2017 (Annexure P-9) passed by the learned Appellate Authority would clearly reveal that the submissions/grounds raised by the petitioner in the appeal have not been adverted to much less dealt with, therefore, the impugned order passed by the learned Appellate Authority cannot be sustained.

5. For the reasons recorded above, the present petition is partly allowed and the order dated 17.05.2017 (Annexure P-9) passed by the learned Appellate Authority is set-aside and the matter is remanded back for consideration afresh by the learned Appellate

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Authority and after taking into account all the submissions and contentions raised by the petitioner in an appeal, let the final order upon reconsideration be passed, within a period of 03 months from the date of receipt of certified copy of this order.

6. Disposed of with the aforesaid terms.

(NAMIT KUMAR)
JUDGE

10.01.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No