

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

216+102

CWP-14277-2017 (O&M).
Date of Decision: 10.01.2024.

LAKHA SINGH

... Petitioner

Versus

CHAIRMAN, PUNJAB STATE POWER CORPORATION LIMITED
AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Tanish Gautam, Advocate, for
Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, Advocate,
for respondents No.1 and 2/PSPCL.

Mr. J.K. Singla, Advocate, for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

CM-18237-CWP-2023

The instant application has been filed under Section 151 of the
Code of Civil Procedure, 1908 for placing on record the action taken report
dated 16.10.2023.

The application is allowed subject to all just exceptions.

Action taken report dated 16.10.2023 is taken on record.

The Registry is directed to tag the same at appropriate place.

Main case

Prayer in the present writ petition is for seeking quashing of the Inquiry Report (Annexure P-1) submitted by the Inquiry Officer-cum-Additional Superintending Engineer, Distribution Division, Sunam, vide Charge-sheet No.C-392 dated 29.09.2014 against Gurdev Singh son of Dalip Singh, Junior Engineer, Distribution Sub Division, Badrukhan. The petitioner who is serving in Indian Army in 102 Engineer Regiment, CIA Area Srinagar, Jammu & Kashmir, has approached this Court stating the he had purchased House No.11 in the year 2010-11 where an electricity meter had already been installed. On 02.08.2013, one Mahinder Singh along with one Assistant Engineer of Distribution Division, Badrukhan came and informed that the electricity meter installed at the above house has to be replaced. A sum of Rs.3,000/- was taken on the pretext of replacing the said electricity meter. On the following day, the petitioner was called at Badrukhan house and a sum of Rs.25,000/- was demanded from the petitioner on the ground that the meter would otherwise be sent for checking to ME Lab. The said Mohinder Singh continued making phone calls at the house of the petitioner and demanding money. He is also alleged to have used indecent language and comments against the wife of the petitioner. Since the money demanded was not paid, a false theft case on the basis of a checking report 43892 dated 02.08.2013 is stated to have been thereafter prepared. The electricity meter of the petitioner was thereafter removed on the day of Diwali. Owing to the compulsive circumstances, the petitioner deposited 1/3rd of the fine amount, as conveyed by the respondents, on 07.11.2013 and also filed a case before the Dispute

Settlement Committee. The meter supply was, however, not restored. The respondents continued to harass the petitioner despite directions given by the Dispute Settlement Committee. An illegal amount was also demanded by Gurdev Singh, Junior Engineer for restoration of the electricity supply. It was only after much delay and harassment over a period of 24 days, the electricity supply could be restored. An application was accordingly submitted by the petitioner against the officials on which a Chargesheet No.C-392 dated 29.09.2014 was issued to Gurdev Singh but no chargesheet was issued to Mahinder Singh and Pawan Kumar. The Additional Superintending Engineer, Sunam was appointed as an Inquiry Officer. The petitioner, however, could not join the inquiry proceedings on account of call of duty and being posted on borders in Jammu and Kashmir. When the petitioner came on leave, he submitted an application on 18.03.2016 to be associated in the inquiry, however, no response was received. It was informed that the said chargesheet has been filed against the charged officials. A copy of the said chargesheet and the report was sought by the petitioner and quashing thereof has been prayed for.

A reply has been filed by the respondents wherein it has been averred that the checking of the meter of the petitioner was conducted on 02.08.2013 and the same was found to be tampered with. A demand of Rs.27,979 was hence claimed on account of compensation for theft of energy/civil liability for restoration of electricity supply, as per the regulations of the PSPCL. A notice bearing Memo No. 1858 dated 18.08.2013 was served upon the petitioner demanding the above said amount and a copy of the same was also sent to the anti-theft Department

for lodging of the FIR. The meter in question was packed under the supervision of the PSPCL officials and was replaced vide meter change order No.48/98410 dated 13.08.2013. The petitioner, however, did not deposit the above said amount, hence, the amount was charged in the bill as sundry charges and allowances register No.73/86/7 and was incorporated in the electricity bill. Since the amount was not deposited despite demand, the meter was disconnected and was removed from the premises. The respondents also denied demanding or receipt of any illegal dues from the wife of petitioner.

No replication to the written statement has been filed on behalf of the petitioner even though the said written statement was filed by the respondents in October 2017. Hence, the facts as enumerated in the written statement have remained uncontroverted and undisputed.

As per the order dated 30.03.2022, this Court noticed that in the Inquiry Report, some employees of the Corporation were found to be involved. The consumer was harassed. Once the charges had been proved against Junior Engineer Gurdev Singh and Revenue Accountant Mukul Ghai as well as the allegations of negligence against the then SDO Pawan Kumar were found to have been established, the respondents were directed to file the Action Taken Report.

Vide C.M. No.18237-CWP-2023, the action taken report has been filed pursuant to the inquiry report furnished by the authorities. It is evident from a perusal of the same that so far as Junior Engineer Gurdev Singh is concerned, punishment of stoppage of one annual increment without future effect has been imposed vide office order No.13 dated

04.01.2017. It is further submitted that the then SDO Pawan Kumar, qua whom charge of negligence was established, has passed away and proceedings against Mukul Ghai Revenue Assistant (now Assistant Accounts Officer) have already been initiated and that the same shall be finalized within a period of 08 weeks.

Taking into consideration the developments that have taken place in the case and also the fact that the inquiry into the allegations leveled by the petitioner has already been conducted by the respondent officials and certain orders have already been passed along with the fact that the stand of the respondents has remained uncontroverted despite the reply having been filed in the year 2017 and a period of more than 06 years having elapsed since then, I do not find that sufficient grounds are made out for setting aside the charge sheet or to disbelieve the conclusions drawn therein.

The present writ petition is accordingly disposed of, at this juncture, directing the respondents to conclude the Departmental Proceedings against Mukul Ghai, the then Revenue Accountant (now Assistant Accounts Officer) within a period of 08 weeks as undertaken.

The petitioner is, however, at liberty to take recourse to his remedies against the order imposing punishment on the guilty officials, in accordance with law.

January 10, 2024

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(VINOD S. BHARDWAJ

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No