

CM No. 1614-CWP-2024 in/and
CWP No. 18428 of 2017

2024:PHHC:060450

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CM No. 1614-CWP-2024 in/and
CWP No. 18428 of 2017
Date of Decision : 02.05.2024

Babu Ram

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anish Batra, Advocate for the petitioner.

Mr. Baltej Pal Singh Walia, Advocate with
Mr. Krishna Sharma, Advocate for
Mr. Sehaj Bir Singh, Advocate
for the respondent-PSPCL.

Harsimran Singh Sethi J. (Oral)

CM No. 1614-CWP-2024

Present application has been filed for revival of CWP No.
18428 of 2017.

Notice of the application to counsel for the respondents.

Mr. Baltej Pal Singh Walia, Advocate with Mr. Krishna
Sharma, Advocate for Mr. Sehaj Bir Singh, Advocate accepts notice on
behalf of the respondent-PSPCL. He raises no objection for the grant of
prayer as raised in the present application.

Keeping in view the averments made in the application as well as no objection raised by the learned counsel for the respondents, the present application is allowed.

On the joint request of learned counsel for the parties, the writ petition is taken up for hearing today itself.

CWP-18428-2017

1. In the present petition, the grievance being raised by the petitioner is qua the order dated 27.01.2012 (Annexure P-2) by which the punishment of recovery as well as stoppage of one increment with cumulative effect has been imposed upon the petitioner as well as the order passed in appeal dated 03.06.2013 (Annexure P-3) by which the appeal has been dismissed.

2. Learned counsel for the petitioner submits that without considering the actual fact, which was presented before the authorities concerned, the order of recovery has been passed though, all the material, which was in the custody of the petitioner, which was shown to be short, had already been explained in detail. Learned counsel for the petitioner further submits that without considering the explanation given by the petitioner, the recovery as well as the punishment has been imposed upon him, which is totally arbitrary and illegal and is liable to be set-aside.

3. Learned counsel for the respondents submits that the petitioner while working on the post of Junior Engineer had got certain material issued from the store, which he was to account for but the

petitioner failed to give the account of the said material and as there was a shortage ₹2,35,933/- has been ordered to be recovered from the petitioner and the stoppage of one increment without cumulative effect has been withdrawn.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is not disputed that the petitioner had got issued certain material while he was working on the post of Junior Engineer, which material was liable to be accounted for but the petitioner failed. It may be noticed that as per the reply filed, which fact has gone un-rebutted, that in pursuance to the show cause notice, the petitioner did not even submit the reply, hence, the respondents had no option but to impose the penalty upon him as mentioned in the show cause notice.

6. It may be noticed that while filing appeal, certain documents were brought to the notice of the appellate authority and appreciating those documents, the petitioner was given the benefit of an amount of ₹3,810/- and the recovery imposed upon the petitioner was accordingly reduced from ₹2,39,743/- to ₹2, 35,933/-. Further, punishment of stoppage of one increment was also withdrawn. That shows that the appeal filed by the petitioner was decided by due consideration and noticing all the documents brought on record in the appeal.

7. The Court in its jurisdiction will not sit as an appellate authority and once, the petitioner has already exhausted the remedies

provided to him under law and the authorities concerned have recorded a categorical finding that the petitioner failed to account certain materials, which he had got issued, the recovery imposed upon him cannot be held to be arbitrary or illegal.

8. No ground is made out for any interference by this Court in the present petition.

9. Dismissed.

May 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No