

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22402-2017

Reserved on 07.03.2024
Pronounced on 15.03.2024

Gulwinder SinghPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhishek Sahu, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Devaki Anand Sullar, Advocate with
Mr. Gurmandeep Singh Sullar, Advocate
for respondents No.2 and 3.

NAMIT KUMAR J.

1. The petitioner has approached this Court by way of filing the present writ petition under Articles 226/227 of the Constitution of India seeking a writ of certiorari for quashing the order dated 29.06.2012 (Annexure P-5), whereby 20% cut in pension of the petitioner has been ordered and the order dated 13.02.2014 (Annexure P-6), whereby the appeal filed by the petitioner against the order dated 29.06.2012 has been rejected.
2. The brief facts, as have been pleaded in the petition, are that the petitioner was initially joined the services of the Punjab State Power Corporation Limited (erstwhile P.S.E.B.) on work charged basis in the month of December, 1975 and thereafter, his services were

regularized on 21.09.1979 and later on he was promoted to the post of Lineman on 30.10.1986 and retired as such on 31.12.2012. While he was in service, he was placed under suspension on 26.08.2011 on the allegation that he was taking unauthorized supply of electricity from A/c No.AF76/1173 and was also subsidies under this account number as per the checking report dated 22.07.2011 of XEN Enforcement Moga and he was found guilty of theft. In terms of notices issued to the petitioner, he had compensated the department by depositing the amount of Rs.33,183/- and Rs.12,000/- vide receipt dated 02.08.2011. Despite that the petitioner was issued charge-sheet dated 05.09.2011 to which he submitted his reply. Thereafter, he was reinstated in service vide order dated 09.11.20211, during the pendency of the inquiry. Thereafter, an inquiry officer was appointed who submitted his report vide memo dated 04.01.2012 in which statement of petitioner was recorded and video recorded at the time of checking was also watched, as per which, the petitioner himself accepted the theft of power. The said inquiry report was forwarded to the petitioner. The petitioner submitted his reply and without considering the same and giving the opportunity of hearing, vide order dated 29.06.2012 penalty of cut of 20% from pension was imposed upon the petitioner against which the petitioner preferred an appeal which was rejected by the Appellate Authority vide order dated 13.02.2014. He has given various representations to the authorities but to no avail. The said order of penalty imposed and rejection of appeal have been challenged before this Court in the present writ petition.

3. Learned counsel for the petitioner submits that since the petitioner had deposited the penalty amount of Rs.33,183/- and Rs.12,000/- vide receipt dated 02.08.2011, therefore, the action of the respondents in issuing the charge-sheet to the petitioner alleging theft of electricity is totally illegal and arbitrary and the consequent proceedings arising therefrom are liable to be set aside.

4. Per contra, learned counsel for the respondents submits that a lenient view has been taken by the respondent-corporation while imposing 20% cut in pension and whereas as per Regulation 20(a) of the Employees Conduct Regulations, 1971, if an employee is found guilty of theft of electricity then the minimum punishment is dismissal from service and the said penalty has been imposed upon the petitioner after following the due procedure of law and there is no in conformity in the impugned order.

5. I have heard learned counsel for the parties and perused the relevant record.

6. Admittedly, the petitioner was placed under suspension on 26.08.2011 followed by charge-sheet dated 05.09.2011 wherein it was alleged that on 22.07.2011 the Senior Executive Engineer, Flying Squad, Moga raided the house of the petitioner where he was found committing theft of electricity. The son of the petitioner namely Harman Singh and his wife were also present and the petitioner was called at the spot. The detailed inquiry was held and after following the due procedure of law, punishment of 20% cut in pension was imposed upon the petitioner against which the petitioner preferred an appeal which was considered and rejected by the Appellate Authority.

7. It is also an admitted fact that the petitioner admitted his guilt and deposited penalty of Rs.33,181/- and as per Regulation 20(a) of the Employees Conduct Regulations, 1971, penalty of 20% cut in pension has been imposed upon him by the authorities after taking a lenient view against him.

8. In view of the above, there is no merit in the present writ petition and the same is hereby dismissed.

15.03.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No