

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(238)

CWP-21756-2021

Date of Decision : February 26, 2024

Ram Rattan

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nonish Kumar, Advocate, for the petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 08.08.2013 (Annexure P-9) by which, the punishment of stoppage of three annual increments with cumulative effect was imposed on the petitioner, which punishment was amended in the appeal vide order dated 07.08.2014 (Annexure P-12) to the stoppage of two increment with cumulative effect.
2. Learned counsel for the petitioner submits that though the order of punishment was passed in the year 2013 (Annexure P-9) and the order in appeal was passed in the year 2014 (Annexure P-12) but the same is given effect now after the promotion of the petitioner to the post of Sub Inspector vide order dated 25.08.2021 (Annexure P-10), which is arbitrary and illegal.
3. Learned counsel for the respondents submits that against the impugned order, the second appeal is maintainable to the Government, which remedy has not been availed.
4. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents that the second appeal

is maintainable before the Government, the present writ petition may kindly be disposed of having been not pressed with liberty to the petitioner to avail the remedy before the Government. Learned counsel further submits that as the operation of the impugned order was stayed by this Hon'ble Court, till the appropriate decision is taken by the Government on the second appeal, the recovery be not made from the petitioner.

5. Learned counsel for the respondents submits that in case any second appeal is preferred within a period of four weeks from today, the same will be decided within a further period of eight weeks and till the decision of second appeal is pending, no coercive action to implement the punishment orders dated 08.08.2013 (Annexure P-9) and 07.08.2014 (Annexure P-12) will be undertaken.

6. As there is already an interim order in favour of the petitioner, it is directed that till the second appeal, in case preferred within a period of four weeks from today, the impugned orders dated 08.08.2013 (Annexure P-9) and 07.08.2014 (Annexure P-12) be not given effect to till the decision of the second appeal to be preferred by the petitioner.

7. It is made clear that in case no appeal is preferred by the petitioner, the respondents will be at liberty to take appropriate action qua the impugned orders dated 08.08.2013 and 07.08.2014 (Annexures P-9 and P-12) respectively and in case, any appeal is preferred, action be taken keeping in view the decision in the second appeal.

8. The present writ petition is disposed of in above terms.

February 26, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

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