

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

LPA-1359-2023 (O&M)

Date of decision:- 26.02.2024

Nihal Singh

...Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE**
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. A.K. Virdi, Advocate,
for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

* * * *

G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The challenge in the present appeal is to the order dated 06.07.2023 passed in CWP-3007-2019, whereby the learned Single Judge has given liberty to the appellant-writ petitioner to raise all the grievances in CWP-29341-2019, wherein the final punishment order has been challenged.

2. We are informed that the said writ petition now stands admitted for regular hearing vide order dated 05.12.2023.

3. The appellant-writ petitioner had sought quashing of the order of suspension dated 20.11.2018 (Annexure P-1). Apparently, departmental proceedings had been initiated against him. He was permitted to retire from Nigam's services on 30.04.2019 after attaining the age of superannuation at 58, subject to Rules 10 and 12 of the Haryana Civil Services (Pension) Rules, 2016 adopted by the Nigam keeping in view the fact that disciplinary proceedings were pending against him. He was given the benefit of provisional pension, but was not eligible for commutation of pension as well as gratuity

till finalization of the disciplinary proceedings against him. The appellant-writ petitioner was held not entitled to payment of leave encashment after retirement till the regularization of his suspension period. The learned Single Judge was of the view that once the order of suspension had culminated into the punishment order dated 26.04.2019, nothing further survived in the writ petition and the same was disposed of as infructuous while making reference to CWP-29341-2019 in which the order of retirement as such was subject matter of challenge.

4. During the course of hearing, it transpires that the order dated 10.01.2020 was also passed by the Superintending Engineer/Administration, DHBVN, Hisar, wherein keeping in view the report of the enquiry officer dated 07.08.2019, one-third cut in pension was imposed upon the appellant-writ petitioner.

5. Apparently, the appellant-writ petitioner had also filed an appeal before the appellate authority which was dismissed vide order dated 10.04.2020.

6. The appellant-writ petitioner preferred CWP-17611-2020 which was dismissed in limine on 27.10.2020 by the learned Single Judge declining to interfere in the punishment order by holding that opportunity had been given to the employee.

7. The appellant-writ petitioner preferred LPA-838-2020 which was dismissed as withdrawn on 26.11.2020 with the following observations:-

“Learned counsel for the appellant prays for and is permitted to withdraw the appeal with liberty to file a review before the learned Single Judge as issue of jurisdiction though raised before the learned Single Judge but has not been considered.

Dismissed as withdrawn.”

8. It is not disputed that RA-CW-265-2020 in CWP-17611-2020 is now pending before the learned Single Judge for 12.03.2024. In such circumstances, we are of the considered opinion that the appellant-writ petitioner’s remedy as such against the order of punishment is still subject matter of consideration before the learned Single Judge. The dispute herein is regarding the suspension order which obviously would be subject to the final decision in case any positive orders are passed in CWP-29341-2019. The observation, thus, made in principle by the learned Single Judge that it has culminated into the punishment order which has already been assailed by mentioning the wrong writ number does not suffer from any infirmity.
9. Accordingly, we do not find any ground as such to interfere in the order passed by the learned Single Judge.
10. The appeal being meritless, accordingly, stands dismissed.
11. We, however, leave it open to the appellant-writ petitioner to agitate for his grievances in the review application.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

26.02.2024
Amodh Sharma

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