

LPA-1562-2023 (O&M)

2024:PHHC:162616-DB



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

LPA-1562-2023 (O&M)

Date of Decision: December 03, 2024

Charanjit Kaur

..... Appellant

Versus

State of Punjab and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Vivek Sharma, Advocate and
Mr. Abhishek Premi, Advocate for the appellant.

Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 01.08.2023 passed by learned Single Bench whereby CWP-15509-2023 filed by appellant (writ petitioner) has been dismissed.

2. Brief facts necessary for adjudication of the matter are that appellant (writ petitioner) filed CWP-15509-2023 for setting aside order dated 24.01.2022 whereby she was compulsorily retired from service. She also sought quashing of inquiry report dated 29.10.2021 besides order dated 18.01.2023 passed by Appellate Authority whereby her appeal challenging order dated 24.01.2022 was dismissed. It was pleaded that writ petitioner was appointed as Junior Assistant under handicap category in the office of Deputy Commissioner, Ferozepur on 06.08.1987. Charge sheet dated 03.07.2020 (Annexure P7) was served upon appellant on the basis of complaint by one Beant Singh. It was alleged that

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Commissioner, SAS Nagar, thus, reducing the image of office of Deputy Commissioner. As she did not perform her duty honestly, her integrity was doubtful, thus, her action was violative of Rule 3(i)(ii)(3a) of Government Employees Conduct Rules, 1966 and she was also liable under provisions of Prevention of Corruption Act. Inquiry was conducted. Inquiry report dated 29.10.2021 (Annexure P13) was submitted. Inquiry Officer, a retired Additional District and Sessions Judge, concluded that allegations No. 1, 2, 3, 6 and part of No. 7 in the articles of charge were found proved against the appellant.

3. Show cause notice was issued to the appellant as to why major penalty in terms of Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970 be not imposed upon her. Reply was submitted by the appellant. She was given an opportunity of personal hearing. Appointing Authority, however did not find any merit in the reply submitted by appellant and she was compulsorily retired from service with immediate effect. It was noted that audio clipping and call detail reports proved the allegations as raised. Moreover, appellant had refused to give her voice sample. Appeal filed by appellant was dismissed by Commissioner, Rupnagar Division on 18.01.2023 after giving her an opportunity of personal hearing, as is noted in the said order. Aggrieved therefore, CWP-15509-2023 was filed.

4. Learned Writ Court on considering facts and circumstances of the matter dismissed the writ petition while observing that Court cannot sit in appeal against orders passed by Disciplinary and Appellate Authority and interfere merely because another view may be possible. Charges as above were found to be proved by the authorities, with it coming on record that appellant had refused to give her voice sample for matching her voice with voice of the lady in the audio clip in question. No illegality or irregularity was found in the procedure

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adopted by authorities. Punishment of compulsory retirement was found to be justified and commensurate with allegations levelled and proved against appellant. Impugned orders were thus upheld. Aggrieved therefrom, present appeal has been filed.

5. Learned counsel for appellant, vehemently argues that impugned order dated 01.08.2023, deserves to be set aside as controversy in question has not been considered in its correct perspective. Complaint against appellant with regard to one audio which was made viral on 06/07.10.2010 with regard to demand of money indirectly, is not proved in any manner. Copy of CD of audio recording and statement of complainant as well as call details relied upon by Inquiry Officer/Authorities was never supplied to appellant. She had submitted her reply denying charges against her. Case of Lambardar in question had to be decided by Deputy Commissioner himself and appellant had no role to play therein. Reference was made to cross examination of complainant to submit that charges in question are not proved against appellant. She was duly exonerated in respect to two of the charges, which shows falsity of others as well. Complaint in question was planted by respondents by forcing Beant Singh, a Lambardari candidate by allowing his appeal and appointing him as Lambardar. Respondent No. 3 is infact biased against appellant. Demand of bribe is not proved in any manner. Learned counsel argued that appellant had served the office with honesty and dedication since her appointment. Her length of service was not considered at the time of imposition of punishment. Therefore, impugned order dated 01.08.2023 be set aside and writ petition filed by petitioner be allowed as prayed for.

6. Learned counsel for State, on 21.10.2024 had been called upon to furnish information about service record of appellant. Affidavit dated 29.11.2024

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of Ms. Aashika Jain, IPS, Deputy Commissioner, SAS Nagar alongwith Annexures R1 to R21 in this regard, filed in Court today, with copy thereof to learned counsel for appellant, is taken on record subject to just exceptions.

7. Learned counsel for State opposes the arguments as addressed on behalf of appellant while submitting that no ground whatsoever is made out for interference in the present appeal. While referring to affidavit dated 29.11.2024 of Ms. Aashika Jain, IAS, Deputy Commissioner, SAS Nagar, it is submitted that appellant did not have a blemish free record, which called for imposition of lesser punishment as was argued on behalf of appellant. Details of service record of appellant, it is submitted are detailed in para 3 of said affidavit, which reveals that she had earlier also been dealt with leniently. It is, thus, prayed that this appeal be dismissed.

8. We have heard learned counsel for parties and have gone through the file with their able assistance.

9. It is a matter of record that appellant who was serving as Junior Assistant was charge sheeted on 03.07.2020 with articles of charge as are duly mentioned therein. Charge No. 1, 2, 3, 6 and part of No. 7 were proved as per inquiry report dated 29.10.2021. Inquiry was conducted by Retired Additional District and Sessions Judge.

10. At this stage, it is relevant to note that learned Single Bench has correctly held that scope of judicial review in departmental inquiries is limited. Reference has correctly been made to judgment of Hon'ble the Supreme Court in **Union of India and others versus P.Gunasekaran 2015 (2) SCC 610** and relevant portion reproduced in para 6 of impugned order dated 01.08.2023. Reference has also been made to decision of Hon'ble the Supreme Court in

Central Industrial Security Force and others vs. Abrar Ali (2017) 4

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**Supreme Court Cases 207 and Union of India and others vs. Subrata Nath
2023 (1) SLJ 97.**

11. Learned counsel for appellant was unable to point out any glaring
illegality or violation of principles of natural justice in the conduct of
proceedings or ignoring of any admissible or material evidence by disciplinary
authorities or reliance upon any inadmissible evidence which would call for
interference in the orders passed by Disciplinary and Appellate authority.
12. We also do not find any merit in the argument raised by learned
counsel for appellant that punishment of compulsory retirement is excessive and
not commensurate with gravity of offence in question. We have carefully
perused the details of service record as mentioned in affidavit dated 29.11.2024
as well. In our considered opinion, no interference is called for in the quantum of
sentence as urged by learned counsel for the appellant.
13. Learned counsel for appellant is unable to point out any illegality,
infirmity or irregularity in impugned order dated 01.08.2023 which calls for
interference.
14. No other argument has been raised.
15. Keeping in view the facts and circumstances as above, appeal is
dismissed with no order as to cost.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

December 03, 2024
Rts

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