



CWP-24523-2024

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

**CWP-24523-2024
Date of Decision: 24.09.2024**

Sumer Singh Rawat

..... Petitioner

Versus

Appellate Authority-cum-Board of Directors and another Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.K. Viridi, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to decide appeal filed by the petitioner on 20.06.2024 (Annexure P-1) expeditiously by passing a speaking order in a time bound manner as the petitioner is having no alternative remedy except to approach this Court.

2. Learned counsel for the petitioner submitted that a punishment order dated 13.05.2024 was passed against the petitioner for stoppage of one annual increment with future effect and against which he had filed an appeal before the Board of Directors but the same was not decided by the Board of Directors. He further submitted that vide Annexure P-3, the Under Secretary, DHBVN, Hisar on behalf of the Board had written to the petitioner that the appeal which was filed by him is not in detail/justified with respect to the punishment imposed upon him and therefore, an opportunity was given to him to submit his appeal before the Board of Directors of DHBVN against



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the aforesaid order in detail with justification in respect of punishment. He also submitted that in pursuance thereof, the petitioner filed a fresh grounds of appeal before the Appellate Authority vide Annexure P-1 on 20.06.2024 by way of a registered post, but till date the appeal has not been decided. He further submitted that the Appellate Authority of the petitioner is the Board of Directors and in this regard he referred to Annexure P-5 which are some Rules and Regulations of the respondent-Nigam wherein it has been so provided that the Appellate Authority shall pass a speaking order within a period of 60 days in the case of 1st appeal and within a period of 90 days in the case of 2nd appeal. He submitted that in view thereof, a direction may be issued to the Appellate Authority to decide the appeal.

3. I have heard the learned counsel for the petitioner.

4. The grievance of the petitioner is that his appeal has not been decided by the respondents and a *mandamus* may be issued for deciding the appeal. However, it is clear from the facts and circumstances that the punishment order dated 13.05.2020 was passed against the petitioner only with regard to stoppage of one annual increment with future effect. It appears that the petitioner had also filed an appeal against the aforesaid order but the grounds of appeal or the appeal itself had not been attached by the petitioner in the present petition for the reasons best known to him. A letter dated 25.04.2024 (Annexure P-3) which was written by the Under Secretary, DHBVN, Hisar to the petitioner would show that when the appeal was filed by the petitioner, no grounds or details were mentioned therein and therefore, the aforesaid letter was written to the petitioner that at least details of the appeal and justification etc. have to be given while challenging the



punishment order. The aforesaid letter (Annexure P-3) is dated 25.04.2024 and in pursuance thereof, the petitioner had filed a fresh grounds of appeal in detail which is dated 20.06.2024 and attached as Annexure P-1. A perusal of Annexure P-4 would show that the aforesaid appeal has been sent by way of a registered post of which even the date is not legible. The present petition has been filed on 01.09.2024 just after about two months of filing of the aforesaid grounds of appeal which is so depicted in the memo of parties. However, the affidavit which has been attached with the present petition has been attested on 17.09.2024. It is therefore clear that the petitioner has filed the present petition at the drop of a hat and without even waiting for a reasonable period of time for the Appellate Authority to consider the appeal. It is also not clear as to when the appeal dated 20.06.2024 (Annexure P-1) was received by the Appellate Authority and presumingly even if it reached the Appellate Authority within a week still the petitioner thought it fit to file the present petition just after about two months of filing the aforesaid appeal although the affidavit has been attested on 17.09.2024.

5. When the petitioner had filed the original appeal regarding which objection was raised by the Appellate Authority by directing the petitioner to file a fresh grounds of appeal by way of a letter dated 25.04.2024 (Annexure P-3), it would be clear that when the petitioner initially filed the appeal it was neither in a proper format nor any detail or grounds of appeal were mentioned. Probably because of this reason, the petitioner has not attached the grounds of appeal which he originally filed before the Appellate Authority. Be that as it may, now when the Appellate Authority has informed him to file a detailed grounds of appeal which he has



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filed vide Annexure P-1, it was the duty of the petitioner to have waited at least for a reasonable period of time before filing the present petition. The learned counsel for the petitioner has referred to some Regulations and Rules wherein the appeal has to be decided within 60 days but the aforesaid provisions cannot be termed to be a mandatory provision particularly in view of the facts and circumstances of the present case. It was the fault of the petitioner himself to have not filed the appeal in a proper format and that probably was the reason as to why the letter dated 25.04.2024 (Annexure P-3) was written to the petitioner asking him to file at least a proper appeal and just after about two months the petitioner has decided to file the present petition although the affidavit was attested on 17.09.2024. The extra ordinary power of the High Court under Article 226 of the Constitution of India can be invoked only when there is a manifest injustice caused or there is an absolute arbitrary action of the respondent but it cannot be invoked in a casual manner. The High Court in exercise of powers under Article 226 of the Constitution of India is not to supervise as to how the punishing authority or the appellate authority operates but it is a decision making process and the arbitrariness, if any, is there on their part, then interference is warranted under Article 226 of the Constitution of India. In the present case, the petitioner has filed the present petition in a casual manner and with the drop of a hat and therefore, the present petition is not only unsustainable but is also premature.

6. In view of the aforesaid facts and circumstances, the present petition is dismissed.

24.09.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |