

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

CWP-35029 of 2019

Date of decision: 01.02.2024

Paramjit Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. N.P.S. Mann, Advocate,
for the petitioner.

Mr. Parminder Singh-I, Advocate,
for the respondents.

NAMIT KUMAR, J.

1. Petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the charge-sheet dated 16.03.2016 (Annexure P-10), order dated 23.10.2017 (Annexure P-15) whereby an amount of Rs.86,644/- was ordered to be deducted from the gratuity of the petitioner along with a cut of 5% in the pension for one year and also for quashing the order dated 26.06.2018 (Annexure P-17) whereby appeal filed by the petitioner has been rejected by the Appellate Authority by stating that the same was filed after a period of 90 days and also the order dated 11.09.2018 (Annexure P-19) whereby his application for condonation of delay in filing the appeal has been rejected.

2. While issuing notice of motion to the respondents, following contentions of the petitioner were recorded: -

“Learned counsel for the petitioner states that the appeal of the petitioner has been rejected by the respondents vide order dated 11.09.2018 on the ground that the appeal was filed after the stipulated period.

Learned counsel for the petitioner argues that the order dated 23.10.2017, in respect of which the petitioner had preferred the appeal, was only served to the petitioner on 02.01.2018 and the appeal was preferred by the petitioner within a period of 90 days of the receipt of the impugned order and therefore the appeal was within time frame.

Learned counsel for the petitioner submits that the 90 days’ period is being calculated by the respondents from the date of the order and not from the date of communication and therefore the rejection of the appeal by the respondents is contrary to the facts.

Notice of motion for 23.04.2020.

Sd/-
(Harsimran Singh Sethi)
Judge”

02.12.2019

3. Respondents have filed a short reply wherein it has been stated that punishment order dated 23.10.2017 (Annexure P-15) was sent at the home address of the petitioner vide registered post dated 30.10.2017 and the said registered post never came back undelivered and the petitioner had filed the appeal against order dated 23.10.2017 on 22.03.2018, which was received in the office on 02.04.2018, which has rightly been rejected by the Appellate Authority as it was filed beyond the period of 90 days.

4. I have perused the impugned orders dated 26.06.2018 (Annexure P-17) and 11.09.2018 (Annexure P-19). The appeal of the

been filed after a period of 90 days. The appeal filed by the petitioner is a statutory appeal under the service rules governing the services of the petitioner. The same was required to be considered on merits of the case and cannot be rejected at the threshold that the same has been filed beyond the period of limitation, especially when the delay was of few days only.

5. In view of the above, impugned orders dated 26.06.2018 (Annexure P-17) and 11.09.2018 (Annexure P-19) are hereby set aside and the matter is remanded to the Appellate Authority to decide the appeal of the petitioner afresh, on merits expeditiously and in any case within a period of four months from the date of receipt of certified copy of this order.

6. Disposed of.

01.02.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No