



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

235

CWP-4012-2020

Date of decision: 27.01.2025

Resham Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Angel Sharma, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 25.09.2019, Annexure P-12, whereby the punishment of stoppage of one annual increment without cumulative effect has been imposed upon the petitioner.

2. The petitioner, who having retired in January, 2023, on 09.07.2011, while working as Agriculture Development Officer vested with the powers of Insecticide Inspector had drawn a sample from the premises of M/s Kissan Sewa Kendar, Jhoke Harihar, Block and District Ferozepur, which was found to be misbranded vide report dated 19.07.2011, based on its licence was cancelled on 02.04.2012, Annexure P-2. On 21.12.2012, the petitioner had in terms of Section 31(1) of Insecticides Act, 1968, on the prescribed performa Annexures P-4 and P-5, sought written consent to file complaint, which on receipt on 01.03.2018 was filed on 27.03.2018, Annexure P-9.

3. A memorandum dated 05.02.2019 was issued to initiate action against him on account of negligence in duty for not taking action in time for filing the complaint, to which he filed reply and vide order dated 16.10.2019



cumulative effect and to remain careful in duty, the premise of which is that he after having submitted the request for written consent to file the complaint had not followed it by a reminder and personal requests.

4. The factum of petitioner having made a request vide Annexures P-4 and P-5 on requisite performas as required under Rule 31(1) of the Insecticide Act on 21.12.2012, it being well within time for filing the complaint. Be that as it may, the consent was received only on 01.03.2018, Annexure P-8.

5. There appears to be a dichotomy in the manner of consideration of the matter by the disciplinary authority, the petitioner having discharged his duty upon having sent up the request seeking consent from the appropriate authority, a condition precedent for filing the complaint, which however, granted belatedly, that being beyond his control, nevertheless it was instituted immediately thereupon, wherein the accused have since been convicted vide judgment dated 27.03.2023 passed by the Chief Judicial Magistrate, Ferozepur, copy whereof produced during the course of hearing.

6. In wake of the aforesaid discussion, the present petition is allowed. The order dated 25.09.2019 is set aside.

(AMAN CHAUDHARY)
JUDGE

27.01.2025

Hemant

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