

LPA-2072-2024

2025:PHHC:034739-DB



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

**CM-4899-LPA-2024 in/and
LPA-2072-2024
Date of Decision: March 12, 2025**

Lakhwinder Singh

.....Appellant

Versus

Punjab State Power Corporation Limited, Patiala and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Vijay Rana, Advocate for the appellant.

LISA GILL, J.

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1. Heard.
2. For the reasons mentioned in the application as well as arguments addressed, delay of 49 days in filing the appeal is condoned.

Application is, accordingly, disposed of.

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1. Prayer in this appeal is for setting aside order dated 16.11.2023 passed by the learned Single bench whereby CWP-25804-2023 filed by present appellant (writ petitioner) has been dismissed.

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2. CWP-25804-2023 was filed by writ petitioner for setting aside order dated 08.05.2012 passed by Chief Engineer Distribution (North), Punjab State Power Corporation Limited, Jalandhar (PSPCL), whereby punishment of stoppage of three annual increments with cumulative effect was imposed upon him as well as order dated 19.05.2023 passed by the Deputy Secretary, PSPCL whereby his appeal was also dismissed.

3. Appellant claimed that he was appointed as Lineman with the respondent – Corporation on 05.10.1985, promoted as Junior Engineer on 02.02.2005 and as Additional Assistant Engineer on 01.02.2009. He retired from service on attaining the age of superannuation on 03.03.2020. During the course of his service, charge sheet dated 23.02.2011 was issued to him with allegations that he alongwith two others had illegally shifted the line of 100 KVA transformer of Kahlon Farm of A.P. motor bearing Account No. TW-945, in the name of Rajmeet Kaur alongwith its LT Line and Dead End Poll. This was done in contravention of HVDM scheme and led to financial loss of Rs.88,173/- to the Department. It is mentioned in the charges that appellant during inquiry before Principal Engineer/Enforcement-cum-Inquiry Officer had admitted shifting of LT lines which were connected to tubewells of Smt. Harbans Kaur and Smt. Rajneet Kaur. As per the inquiry conducted, charges were found to have been proved and vide order dated 08.05.2012, punishment of stoppage of three annual increments with cumulative effect was imposed upon the appellant. His appeal was also dismissed on 19.05.2023 leading to filing of CWP-25804-2023.

4. Learned Single Bench on considering the facts and circumstances found no merit in the grounds as raised on behalf of the appellant and

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accordingly dismissed the writ petition. Aggrieved therefrom, present appeal has been filed.

5. Learned counsel for appellant vehemently argued that impugned order dated 16.11.2023 has been incorrectly passed by learned Single Bench, while ignoring the fact that proper opportunity of hearing was never afforded to the appellant. Learned counsel for appellant further submits that shifting of the lines in question had been executed under specific directions from the then Senior Executive Engineer and AEE. Directions were given by the officers to subordinate staff under some political pressure and that he was helpless to stop the shifting due to threat by superior Officers. Present appellant, it is submitted, had no role to play in the incident in question. Application filed by present appellant to review order dated 23.11.2012 was wrongly rejected on 22.04.2013 on the ground that review is not maintainable. It was vehemently argued that appellant had been made a scapegoat and unnecessarily subjected to punishment as above. It was, therefore, prayed that this appeal be allowed and writ petition be allowed as prayed for.

6. We heard learned counsel for appellant at length and perused the file carefully, however, we do not find any ground whatsoever to cause interference in this matter.

7. It is a matter of record that charge sheet dated 23.02.2011 was issued to the appellant. Inquiry officer was appointed, who afforded proper opportunity of hearing to the appellant. Learned Single Bench has duly considered the plea of opportunity of hearing not being given and has taken note of the fact that appellant did not file reply to the charge sheet despite several notices being issued to him, as is recorded on page 5 of the impugned

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order. Inquiry report was duly communicated to the appellant. Appeal filed by him was rejected by competent Authority on 23.11.2012 with Review thereof being dismissed on 22.04.2012 being not maintainable. CWP-25340-2014 filed by appellant was allowed. While setting aside order dated 08.05.2012, Appellate authority was directed to pass a fresh speaking order while affording opportunity of hearing to the appellant. Argument raised by learned counsel that he was not afforded opportunity of hearing is not substantiated from the record. It is stated in order dated 08.05.2012 itself that the appellant had not come forward despite repeated reminders and notices. Furthermore, in order dated 19.05.2023 also, it is recorded that opportunity of personal hearing was afforded to appellant by the Director (Administrative), PSPCL Patiala i.e. the Appellate authority. We have also taken note of the fact that it is the case of appellant himself that shifting of the lines had indeed taken place though he claims no role therein and also pleads political pressure.

8. On a pointed query to learned counsel for appellant in respect to plea of forcible recording of his statement in September 2010, admitting the shifting of LT lines in question by the appellant, as to whether any objection thereto had been filed or raised by the appellant, the answer is in the negative.

9. Be that as it may, this Court in exercise of appellate jurisdiction is not to sit in appeal insofar merits of the controversy is concerned. Learned counsel for appellant was unable to point out any procedural illegality or irregularity in the proceedings conducted by competent authority(ies), which calls for interference by this Court. Unauthorised and illegal shifting of lines in question, leading to financial loss to department is in fact admitted by

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appellant. Learned counsel was unable to substantiate the plea of opportunity of hearing not being provided to him.

10. Learned counsel was unable to point out any illegality and infirmity in the impugned well reasoned and considered order dated 16.11.2023 passed by learned Single Bench.

11. No other argument was addressed.

12. Appeal being devoid of any merit is, thus, dismissed.

13. Application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

March 12, 2025
Rts

(ALOK JAIN)
JUDGE

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