



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

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CWP-18849-2015

Date of Decision : **May 06, 2025**

PIARA SINGH

.....Petitioner

VERSUS

PRTC & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. Vikas Chatrath, Advocate,
Ms. Preetleen Kaur, Advocate and
Ms. Priya Kaushik, Advocate for the petitioner.

Mr. Anil Kumar Sharma, Advocate for the respondents.

DEEPINDER SINGH NALWA, J. (Oral)

1. By way of present writ petition, the petitioner has challenged the order dated 31.1.2008 (Annexure P-11) and order dated 10.6.2015 (Annexure P-14) vide which, the respondents have imposed punishment of stoppage of two annual increments with cumulative effect and the appeal filed by the petitioner has also been dismissed.

2. Brief facts of the case are that the petitioner was working on the post of Tyreman in Pepsu Road Transport Corporation, Budhlada Depot, Budhlada (hereinafter referred to as 'the Corporation'). The petitioner was on duty on 10.8.1998 as per roster from 8.30 a.m. to 5.00 p.m. at Budhlada Depot, Budhlada. Due to some lapse of the petitioner, two buses of the Depot were detained, which caused financial loss to the Corporation. In view of the above, the petitioner was served with a charge-sheet dated 22.6.1999. The petitioner duly filed reply to the abovesaid charge-sheet. However, the

contention raised by the petitioner in the reply filed by him to the charge-sheet was not found to be credit worthy. Enquiry Officer was appointed to conduct the enquiry. The Enquiry Officer held all the charges proved against the petitioner. The punishing authority accepted the finding given by the Enquiry Officer and passed an order dated 3.5.2000 vide which, the punishing authority imposed punishment of stoppage of two annual increments with cumulative effect. Aggrieved against the abovesaid order dated 3.5.2000, the petitioner filed an appeal before respondent No.1-Managing Director, but the same was also dismissed vide order dated 29.8.2000 (Annexure P-5).

3. Aggrieved against the orders dated 3.5.2000 (Annexure P-4) and dated 29.8.2000 (Annexure P-5), the petitioner filed a civil suit for declaration and mandatory injunction before the learned trial Court, Budhlada bearing Civil Suit No.79 of 2002 titled as "Piara Singh Vs. Pepsu Road Transport Corporation, Patiala and another". The abovesaid civil suit came up for consideration before the learned trial Court, Budhlada on 23.7.2007. The learned trial Court decreed the suit in favour of the petitioner vide judgment and decree dated 23.7.2007 (Annexure P-6). A perusal of the judgment and decree passed by the learned trial Court would show that the learned trial Court has given a finding that it was a case of no evidence to support the finding given by the Enquiry Officer and the order dated 3.5.2000 (Annexure P-4) was liable to be set-aside. The learned trial Court directed the respondents to reconsider the impugned order dated 3.5.2000 (Annexure P-4) within a period of 3 months on receipt of the copy of the judgment and liberty was also given to the respondents to conduct a fresh enquiry. In the light of the judgment and decree passed by the learned trial Court, Budhlada, the

petitioner was called for personal hearing by the punishing authority on 4.1.2008. The petitioner produced documents to show that infact the charge cannot be proved against the petitioner. The punishing authority vide order dated 8.1.2008 justified the earlier order whereby, punishment of stoppage of two annual increments with cumulative effect was imposed upon the petitioner. Aggrieved against the above said order dated 31.1.2008, the petitioner filed an appeal before the Appellate Authority. No decision was taken by the Appellate Authority on the above said appeal. As a consequence of this, the petitioner filed a writ petition before this Court bearing CWP No.7312 of 2012. The abovesaid writ petition was disposed of vide order dated 10.3.2015 (Annexure P-13) with a direction to the respondents therein to decide the appeal of the petitioner within a period of 04 weeks from the date of receipt of certified copy of the order. In compliance of the abovesaid order dated 10.3.2015 (Annexure P-13) passed by this Court, the respondents passed an order dated 10.6.2015 (Annexure P-14) whereby, the appeal filed by the petitioner was dismissed and the order passed by the punishing authority dated 8.1.2008 was upheld.

4. Aggrieved against the aforesaid orders dated 31.1.2008 (Annexure P-11) and dated 10.6.2015 (Annexure P-14), the petitioner has filed the instant writ petition.

5. Learned counsel appearing for the petitioner submits that as per judgment and decree passed by the learned trial Court dated 23.7.2007 (Annexure P-6), a specific finding was given by the learned trial Court that it was a case of no evidence and the liberty was granted to the respondents to hold a fresh enquiry. It is the case of the learned counsel that infact no fresh

enquiry was conducted by the respondents and infact the petitioner was told to produce evidence by the punishing authority and on that basis, the punishing authority has passed the impugned order dated 31.1.2008 (Annexure P-11) imposing the punishment of stoppage of two annual increments with cumulative effect. As per the learned counsel, as liberty was granted to the respondents to hold a fresh enquiry, it was mandatory on the part of the respondents to hold a fresh enquiry and thereafter could have passed an order of punishment, as such, the impugned orders are liable to be set-aside.

6. Learned counsel appearing on behalf of the respondents submits that as an opportunity was granted to the petitioner to adduce evidence before the punishing authority and on the basis of evidence adduced by the petitioner, the impugned orders were passed, as such, the impugned orders are liable to be upheld.

7. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

8. A perusal of the facts of the present case would show that a specific direction was given by the learned trial Court, Budhlada to reconsider the impugned order dated 3.5.2000 (Annexure P-4) and liberty was granted to the respondents to hold a fresh enquiry. A perusal of the facts would show that infact no fresh enquiry was held by the respondents. Infact the Punishing Authority re-appreciated the evidence, which was led by the petitioner before the Punishing Authority and has passed the impugned order dated 31.1.2008 (Annexure P-11) whereby, punishment of stoppage of two annual increments

with cumulative effect was imposed. Once the learned trial Court, Budhlada has given liberty to the respondents to conduct a fresh enquiry vide judgment and decree dated 23.7.2007 (Annexure P-6), without holding a fresh enquiry, the respondents could not have passed the order of punishment. Holding of fresh enquiry does not mean continuation of earlier enquiry. It means a new and independent enquiry. As in the present case, no fresh enquiry was conducted by the respondents before passing the impugned orders dated 31.1.2008 (Annexure P-11) and 10.6.2015 (Annexure P-14), as such, the impugned orders cannot be sustained in the eyes of law and liable to be set-aside. It is brought to the notice of this Court that infact, the petitioner has already retired from service on 31.12.2007. It would be too harsh upon the petitioner to undergo fresh enquiry, if ordered at this stage.

9. In view of the above, the present writ petition is allowed and the impugned orders dated 31.1.2008 (Annexure P-11) and dated 10.6.2015 (Annexure P-14) are set-aside. The respondents are directed to restore the withheld increments of the petitioner with all consequential benefits, to be paid within a period of two months from the date of receipt of certified copy of this order.

10. The writ petition is allowed in the above said terms.

11. Pending applications, if any, also stand disposed of accordingly.

(DEEPINDER SINGH NALWA)

JUDGE

May 06, 2025

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No