



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

LPA No.2803 of 2024 (O&M)

Date of Decision: 23.01.2025

Haryana Urban Development Authority (now HSVP) & Anr.

...Appellants

Versus

R.K. Rathee and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Deepak Balyan, Addl. AG, Haryana,
for the appellants.

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SANJEEV PRAKASH SHARMA J.(Oral)

We have heard learned counsel for the appellants at length and perused the judgment passed by learned Single Judge. Learned Single Judge has given a factual finding as under:-

“10. On perusal of charge sheet dated 29.06.2006 (Annexure P-1), it is crystal clear that there was no charge of misconduct of delay or keeping the file with him from 22.08.2005 to 15.12.2005 for four months. Accordingly, the charges on which the punishment had been awarded were never intimated to the petitioner and not within the scope of Departmental Inquiry conducted by the Inquiry Officer, in which the petitioner was exonerated. Moreover, once the petitioner was exonerated from all the charges by the Inquiry Officer then the punishing authority has no jurisdiction to punish the petitioner on different charges that were never conveyed or intimated to the petitioner.



11. No such report of calculation of penalty of Rs.72,510/- is available on record and the report which is available on file is the inspection report calculating the penalty of Rs.59,908/- prepared by the petitioner and the same was submitted by him on 15.12.2005 (Annexure P-10). Apart from this, the quantum of punishment awarded to the petitioner is also unsubstantiated under the Haryana Civil Services (Punishment & Appeal) Rules, 1987, as there is no provision to place the petitioner in the initial pay scale.”

2. Learned counsel appearing for the State submits that the punishment was awarded after giving a dissent note by the superior officer who found the facts to be otherwise. However, we are satisfied that the facts on which the dissent note was prepared, are not part of the charge-sheet and therefore, the principles of natural justice would require a concerned delinquent to be given an opportunity on the said aspect and put up his defence. The punishment awarded therefore is found to be unjustified, as has been laid down by Hon’ble the Supreme Court in **State Bank of India vs. R.K. Jain, 1972(4) SCC 304.**

3. We do not find any error and affirmed the order passed by learned Single Judge.

4. Dismissed.

5. All pending application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 23, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No