
(2014) 07 P&H CK 0503
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 7900 of 1995

Sukhdev Raj Sharma

APPELLANT

Vs

Punjab State Civil Supplies Corpn. Ltd.

RESPONDENT

Date of Decision : 17-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0503

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : H.C. Arora, Advocate for the Appellant; Ekta Thakur, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sabina, J.—This petition has been filed by the petitioner seeking quashing of charge sheet dated 14.4.1981 (Annexure P-1), findings of the inquiry officer (Annexure P-5), punishment order dated 11.1.1993 (Annexure P-22) and the order passed by the Appellate Authority dated 23.11.1993 (Annexure P-24).

2. Case of the petitioner, in brief, is that he was working as inspector with the respondent-corporation. Chargesheet dated 14.4.1981 was served on the petitioner on the allegation that there was shortage of 474 bags of wheat and an amount of Rs. 73,470/- was recoverable from him. Second charge levelled in the chargesheet against the petitioner was that he had not refunded the un-used balance amount of Rs. 20,698.56 paise out of total amount of Rs. 34,386.59 paise advanced to him. Petitioner submitted his reply to the chargesheet. The inquiry officer, however, gave the report against the petitioner. Vide the impugned order dated 11.1.1993 (Annexure P-22), penalty of stoppage of three annual increments with cumulative effect was imposed on the petitioner. Further it was ordered that the amount of Rs. 77,218.86 paise be recovered from the salary of the petitioner. The appellate authority, vide order dated 23.11.1993 (Annexure P-24), dismissed the appeal filed by the petitioner against the order Annexure P-22. Hence, the present petition.

3. Learned counsel for the petitioner has submitted that the inquiry officer had erred in holding that the charges levelled against the petitioner stood proved. In fact, the inquiry officer had failed to consider the fact that the successor in charge of the petitioner i.e. Ajit Singh, Inspector had shown excess of 133 bags of wheat in the month of August, 1980. Therefore, the department was liable to adjust the excess with the shortage alleged to have been committed by the petitioner. Further the recovery was to be made proportionately from the concerned officials in terms of circular dated 4.10.1988.

4. Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that the circular dated 4.10.1988 was issued after the misconduct was committed by the petitioner, therefore, it had no relevance to the facts of the present case. The inquiry officer had reported that the charges levelled against the petitioner stood duly proved. Therefore, the punishment order as well as the order passed by the appellate authority were liable to be upheld.

5. The scope of judicial review regarding interference with punishment order is very limited. The jurisdiction of this Court is only to see the method/manner of awarding punishment. The Court is only concerned with the procedure adopted by the Punishing Authority. If the procedure adopted by the Punishing Authority is according to rules and natural justice, then no interference with the punishment order is called for. This Court cannot go into the merits of the case. In case, the finding of the Inquiry Officer is based on some evidence, then this court cannot reappreciate the evidence or weigh the same like the Appellate Authority. So long as there is some evidence in support of the conclusion arrived at by the departmental authority, the same has to be sustained. Some defect in the inquiry has to be pointed out before this Court can interfere with the punishment order. Further more, if defect is pointed out then the delinquent employee has to show as to what prejudice has been caused to him on account of the said defect. It has been held in *Bank of India and Another Vs. Degala Suryanarayana*, that strict rules of evidence are not application to the departmental proceedings. The Court exercising jurisdiction of judicial review is not to interfere with the finding of the fact arrived at in a departmental inquiry excepting in a case of mala fide or perversity. The Court cannot embark upon reappreciating the evidence or weigh the same like an Appellate Authority. The finding recorded by the disciplinary authority was immune from interference within the limited scope of power of judicial review applicable to the Court.

6. In the present case, chargesheet was issued to the petitioner on the allegations that there was a shortage of 474 bags of wheat and that the petitioner had not accounted for Rs. 20,698.56 paise. Petitioner submitted his reply to the chargesheet. A perusal of the inquiry report Annexure P-5 reveals that the petitioner duly participated in the inquiry proceedings and was given full opportunity to lead his evidence. The inquiry officer gave the report that the charges levelled against the petitioner stood duly proved. Before passing of the

impugned order, show cause notice was issued to the petitioner and copy of the inquiry report was supplied to him. By taking a lenient view, the punishing authority vide order dated 11.1.1993 (Annexure P-22) ordered that the amount in question be recovered from the petitioner and his three annual increments be stopped with cumulative effect. The appellate committee upheld the punishment order vide order Annexure P-24. The punishing authority has already taken a lenient view while passing the punishment order. The punishment order was passed after following due procedure. No ground for interference by this Court is made out.

7. Dismissed.