

2025:PHHC:011625-DB



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

LPA-1389-2019 (O&M)

Reserved on:- 20.01.2025

Date of decision: 27.01.2025

SATINDER SINGH BAJWA

.....Petitioner

Versus

HONOURABLE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH**

Present:- Mr. Sartej Singh Narula, Advocate for the appellant.

Mr. Kanwal Goyal, Advocate for the respondent.

SUDHIR SINGH, J.

The instant intra Court appeal is directed against the order dated 27.09.2017 passed by the learned Single Judge, whereby the writ petition filed by the appellant, was dismissed.

2. The facts regarding the initiation of the departmental proceedings leading to the punishment order passed by the disciplinary/appointing authority and further modification of the punishment by the Appellate Authority, are not disputed.

3. Learned counsel for the appellant has vehemently argued that the penalty has been imposed upon the appellant for the charges which were never part of the charge-sheet. It is further submitted that

the Inquiring Authority in its report dated 08.06.1991 had concluded that the Charges under the Heads 1(c), (f), (g) were proved, but a perusal thereof would show that the said charges are regarding the claim of the false T.A. (travelling allowance) for the dates mentioned under the said heads, whereas the appellant has been held guilty by the Inquiring Authority for having falsely availed one way ACC bus journey from Delhi to Chandigarh on 19.08.1988 and double claim of daily allowance for Delhi-Chandigarh journey dated 18.10.1988 and 19.10.1988.

4. It is further argued by the learned counsel for the appellant that the Inquiring Authority in its report had given clean chit to the appellant as regards charges No.2 to 6 and for the charges No.1 (a), (b), (d) and (e). It is further argued that the Inquiring Authority in its report had also concluded in Para No.24 that there was no evidence on record to show that on the given dates, the appellant had handled any papers or attended to any other work at Chandigarh. The learned counsel has, thus, argued that this fact clearly proved that on the given dates, the appellant was deputed to perform the official duties. Still further, while referring to Para No.37 of the Inquiry Report, it is argued that the appellant was not required to furnish the tickets in respect of the journey performed and, therefore, there was no question of not submitting any proof regarding having availed one way ACC bus journey and double claim of daily allowance, when admittedly, it was proved during the inquiry proceedings that the appellant had availed the said journey.

5. It is further argued that the appellant has nothing to do with the preparation of bills and release of payment and that it was the concerned official, who was responsible for passing of TA bills and making reimbursement thereof after due verification of the said bills to the satisfaction of the competent authority. In this regard, he draws support from the cross-examination of PW3-Raveen Kamal, Clerk, Bills Branch. Learned counsel for the appellant further submits that even if the double claim has been made by mistake, such claim was required to be duly checked and verified by the Controlling Officer, who was bound to satisfy himself/herself with regard to the travelling allowance claimed. A reference has been made to Travel Allowance Rules set out in the Punjab Civil Service Rules. It is yet further argued that there is absolutely no evidence in support of charges set out against the appellant and hence, the findings rendered by the Inquiring Authority, were frivolous and perverse. It is further argued that in para 32 of the Inquiry Report, the finding of the Inquiring Authority that daily allowance (Twice Over) pertaining to the journey after 17.10.1988 was claimed without any justification and secondly, none of the journeys after 18.10.1988 could possibly be justified with nexus to the discharge of official duty, runs contrary to its earlier finding that it was not within the domain of the Inquiring Authority to look into the justification of the journey because it was the subjective satisfaction of the controlling authority.

5. On the other hand, learned counsel for the respondents, while defending the impugned judgment passed by learned Single Judge, has argued that the Appellate Authority has already taken a

lenient view by modifying the punishment of the appellant from “reducing him to the minimum of time scale of pay of Assistant and stopping two future increments with cumulative effect” as ordered by the Disciplinary/Punishing Authority to that of “withholding of four annual grade increments with cumulative effect.” It is further argued that the appellant is unnecessarily trying to make out a case by reading into the findings of the Inquiring Authority regarding the appellant being on the official duty, whereas the fact remains that he had been held guilty for availing false claim with regard to one way ACC Bus journey from Delhi to Chandigarh and double claim of daily allowance from Delhi to Chandigarh. It is further argued that the deposition of the appellant before the departmental proceedings runs contrary to the documents i.e. claim statement etc., which has so rightly been noticed by the Inquiring Authority in its report.

6. We have heard learned counsel for the parties and have also gone through the records of the case. The only issue that arises for consideration in the present appeal is whether the impugned order passed by the learned Single Judge, requires any interference.

7. The charge sheet issued to the appellant contained as many as six charges. Charge No.1, relevant for the adjudication of the present appeal, reads as under:-

“1. That you claimed false T.A. for the following dates by showing yourself on tour:

- (a) From 19.03.1988 to 20.03.1988
- (b) On 05.05.1988
- (c) From 17.08.1988 to 19.08.1988

- (d) From 02.09.1988 to 04.09.1988
- (e) From 08.10.1988 to 12.10.1988
- (f) From 18.10.1988 to 19.10.1988 and
- (g) From 15.10.1988 to 20.10.1988

as according to the attendance register you were present in the office at Chandigarh and somewhere else also. Claiming fare by A.C.C. bus for the journeys not actually performed, as stated above without supporting your claim with the tickets adds further to the severity of the charge.”

8. The Inquiring Authorities in its report dated 08.06.1991 concluded as under:-

“68. To sum up my aforesaid discussions and findings on the various aspects of the issue as raised before me and those emerging from the case file, I record the department’s failure to establish its case propagated under Heads No. 1(a), (b), (d) and (e); 2, 3, 4, 5 and 6; but return the finding in its favour holding the delinquent employee responsible for having raised and encashed a false claim with regard to the one way A.C.C. bus journey from Delhi to Chandigarh on 19.08.1988 under Head I (c) and double claim of daily allowance for Delhi-Chandigarh journeys dated 18.10.1988 and 19.10.1988 falling under Head I (f) and (g).”

9. Subsequently, the then Hon’ble the Chief Justice (Disciplinary/Appointing/Punishing Authority) vide order dated 07.12.1991 imposed upon the appellant the following punishment:-

“As regards punishment, I am of the opinion that as Shri Bajwa was, at the relevant time, working as Deputy Registrar (Administration) and was a responsible officer of Registry, submission of false T.A. Bills by him has to be viewed seriously.

However, in view of the fact that he has suffered an enquiry for this long period and had remained under suspension, he is reduced to the minimum of time scale of pay of Assistant. Further. his two future increments are stopped with cumulative effect.”

10. The service appeal filed by the appellant was partly allowed and the punishment had been modified to that of withholding of four annual grade increments with cumulative effect. The concluding part of the order dated 26.04.1996 passed by the Appellate Authority, reads as under:-

“In view of what has been discussed hereinabove, the appeal is partly allowed and it is directed that instead of the punishment of reduction to the minimum of the time scale of pay of Assistant with further stoppage of two future increments with cumulative effect, the appellant shall be deemed to have been awarded the punishment of withholding of four annual grade increments with cumulative effect.”

11. The learned Single Judge, vide impugned order, while dismissing the writ petition filed by the appellant has held that there is a bar of judicial review as regards the findings recorded in the inquiry proceedings and that the appellant could not make out any case for interference. The review application filed by the appellant was also dismissed by the learned Single Judge vide order dated 8.7.2019, observing that the review proceedings could not be equated with the original hearing of the case.

12. As noticed above, the charges proved against the appellant are the ones under Head 1 (c), (f), and (g). The contention of the learned counsel for the appellant is that there was no charge as regards the punishment imposed upon the appellant. In order to examine the said contention, we are to see charge No.1 in its totality. The said charge is regarding claiming of false T.A. for the dates given under different Heads of charge No.1 including 1(c), (f) and (g). Now, it is to be seen whether the finding of guilt recorded by the Inquiring Authority is beyond the charges framed.

13. As indicated hereinabove, charge No.1 is regarding claiming false T.A. for various dates. The finding of guilt is in respect of one way ACC bus journey from Delhi-Chandigarh on 19.08.1988 [under Head 1(c)] and double claim of daily allowance for Delhi-Chandigarh journey dated 18.10.1988 and 19.10.1988 [under Heads 1(f) and (g)]. It is a matter of common knowledge that when a finding of guilt is recorded in respect of the travelling allowance and daily allowance, the same would arise only when journey has been performed. As the main head of the charge is regarding the claim of false T.A., the argument of the learned counsel for the appellant that he has wrongly been held guilty for the charge which was not framed, is not tenable. In our opinion, the genesis of charge is Charge No.1 and the finding of guilt is only the species being ancillary in nature and cannot be held to be different than the charge already framed and not germane to it.

14. Though the Court is empowered with the power to judicially review the administrative decisions, including the departmental proceedings, as in the instant case, yet after having perused the entire record, we find that the pleas raised by the appellant in the present appeal, have already been dealt with threadbare not only in the departmental proceedings, but also by the Appellate Authority in its order dated 26.04.1996. As noticed above, the Appellate Authority had modified the punishment from 'reduction of the appellant to the minimum of the time scale of pay of Assistant with further stoppage of two future increments with cumulative effect' to that of 'withholding of four annual grade increments with cumulative effect'. Thus, even on re-appreciation of the pleas raised, we find that the appellant is not entitled to the grant of any indulgence in the present appeal. Therefore, no case is made out for interference either with the judgment of the learned Single Judge or the order passed by the Appellate Authority on 26.04.1996.

15. In view of the above findings, no merit in the present appeal, the same is hereby dismissed.

[SUDHIR SINGH]
JUDGE

[SHEEL NAGU]
CHIEF JUSTICE

27.01.2025

himanshu

Whether speaking/reasoned
 Whether reportable

Yes/No
 Yes/No