

**RSA-2827-2001 (O&M)**

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

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**RSA-2827-2001 (O&M)
Date of Decision : 25.04.2025**

Haryana State and Others

....Appellants

VERSUS

Sh. S.L.Punia

....Respondent

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shivendra Swaroop, DAG, Haryana.

Mr. Ajay Kumar Yadav, Advocate for
Mr. R.N.Lohan, Advocate for the respondent.

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SUDEEPTI SHARMA, J (Oral).

The present appeal is preferred against the judgment and decree dated 19.01.2001 passed by the learned Additional District Judge, Hisar, whereby the appeal filed by the respondent against the judgment and decree dated 31.07.2000 passed by the learned Civil Judge (Sr. Divn.), Hisar, was allowed.

BRIEF FACTS

2. The brief facts of the present case are that the respondent was working as Executive Engineer in Rori Division, Sirsa from 01.01.1982 to 31.03.1982 and again from 01.04.1982 to 19.05.1986. Thereafter, the respondent worked as Executive Engineer, Construction Division No.4, Fatehabad. When the respondent was posted as Executive Engineer Rori Division, Sirsa, he was charge-sheeted under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1987, vide memo dated 09.12.1991. He submitted reply to the same and thereafter, after giving him opportunity of personal hearing, vide order dated 12.09.1994, recovery of Rs.51,265.40 paise and stoppage of two increments without cumulative effect was ordered. He filed civil suit challenging order dated 12.09.1994, which was



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dismissed by the learned Civil Judge (Sr. Division), Hisar, vide its judgment and decree dated 31.07.2000.

3. Thereafter, respondent preferred an appeal, which was allowed by the learned Additional District Judge, Hisar, vide its judgment and decree dated 19.01.2001.

4. Hence the present appeal by the State of Haryana.

SUBMISSION OF THE LEARNED COUNSEL FOR THE PARTIES

5. Learned counsel for the appellants contends that the First Appellate Court has reversed the findings of the learned Trial Court without appreciating the evidence on record. He further contends that the First Appellate Court has wrongly held that impugned order is non-speaking. Therefore, he prays that the present appeal be allowed.

6. *Per contra*, learned counsel for the respondent argues on the lines of the judgment and decree dated 19.01.2001 and contends that the appeal filed by the respondent has rightly been allowed by the learned First Appellate Court after taking into consideration the evidence on record. He further contends that the punishment of stoppage of two increments with cumulative effect and recovery of Rs.51,265.40 paisa also amounts to double jeopardy. Therefore, he prays for dismissal of the present appeal

7. I have heard the learned counsel for the parties and perused the whole record of this case.

8. This Court, vide order dated 11.11.2002, while admitting the present appeal stayed the operation of the judgment and decree dated 19.01.2001 passed by the learned First Appellate Court.

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9. A perusal of the record further shows that charge-sheet under Rule 8 of Punjab Civil Service (Punishment and Appeal) Rules, 1987 was issued to the respondent and he filed reply to the same. Further, personal hearing was also given to him.

10. A perusal of the record further shows that an enquiry of vigilance department was conducted on the complaint and there were 11 allegations against the respondent and after due consideration at all the levels, it was decided by the appellant to issue charge-sheet to the respondent. Before serving the charge-sheet respondent was afforded an opportunity to explain his case. Further, it is admitted fact and matter of record that after giving due opportunity of being heard (by way of filing reply as well as personal hearing), the impugned order was passed.

11. So far as order of punishment of recovery of Rs.51,265.40 paisa is concerned, the same is imposed since the loss was caused to the appellant-State due to negligence of the respondent. In fact the respondent did not allow Gurdeep Singh, Canal Patwari, to join his duties from 13.07.1983 to 08.05.1986 and he filed a civil suit at Sirsa, which was decreed in his favour and the appellant was directed by the Court to pay him salary for this period (13.07.1983 to 08.05.1986) to the tune of Rs.51,265.40 and it is matter of record that the appellants had to bear this loss because of the conduct of the respondent.

12. Admittedly, in the present case the punishment was imposed after following due procedure as laid down under the Civil Services Rules. Further because of the conduct of the respondent, it is evident on record that vide judgment and decree dated 26.04.1986, learned Additional District Judge, Sirsa, held the appellants as well as respondent liable to pay the amount of salary to Gurdeep Singh, Canal Patwari. And since it was the decision of the learned Additional



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District Judge, Sirsa, vide which respondent was held liable to pay the amount of Rs.51,265.40 paisa and the respondent never challenged the said judgment and decree, therefore this Court finds that recovery of loss of Rs.51,265.40 paisa from the respondent would not amount to double jeopardy, therefore, it requires no interference by this Court.

13. Learned First Appellate Court has totally ignored all the admitted facts and evidence on record and further treated the punishment of recovery of loss of Rs.51,265.40 paisa and stoppage of two increments without cumulative effect as double jeopardy, which is not acceptable to this Court.

14. Further the learned First Appellate Court while allowing the appeal filed by the respondent gave liberty to Punishing Authority to decide the matter afresh, in accordance with law, without appreciating the fact that the punishment of recovery of Rs.51,265.40 paisa and stoppage of two increments without cumulative effect, was imposed by giving full opportunity of being heard i.e. after considering the reply as well as after giving personal hearing to the respondent.

15. In view of the above, the present appeal is allowed. Judgment and decree dated 19.01.2001 passed by the learned First Appellate Court is set aside and judgment and decree dated 31.07.2000 passed by the learned Trial Court is upheld.

16. Decree sheet be drawn.

17. Pending application(s), if any, also stand disposed of.

April 25, 2025.
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes