

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

RSA No.1849 of 1990 (O&M)

Date of decision: 22.04.2015

Pepsu Road Transport Corporation, Patiala and others

..... Appellants

Versus

Kuldip Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE RITU BAHRI

Present:- Mr. Harsh Aggarwal, Advocate for the appellants.

Mr. Satinder Khanna, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

The defendant-appellants have come up in Regular Second Appeal against the judgments of concurrent finding of facts recorded by both the Courts below whereby the suit of the plaintiff-Kuldip Singh has been decreed and the order dated 22.03.1985 passed by the Deputy General Manager, Pepsu Road Transport Corporation, Patiala-defendant No.3 and order dated 23.08.1985 passed by the Managing Director, Pepsu Road Transport Corporation, Patiala-defendant No.2 imposing punishment of 3 increments with cumulative effect have been set aside.

Plaintiff was working as Fitter in Pepsu Road Transport Corporation, Ludhiana Depot. Vide order dated 19.09.1983, passed by Depot Manager, Pepsu Road Transport Corporation, Ludhiana, he was placed under suspension w.e.f. 17.09.1983 for misconduct. Consequently, he was charge sheeted on 11.10.1983. Sh. Inderjit Singh was appointed as inquiry officer and after conducting the inquiry, a show-cause notice was issued on 12.09.1984, according to which defendant No.3 proposed the punishment of dismissal of the plaintiff from service. The plaintiff had submitted his reply on 27.09.1984 to the show-cause notice. On the similar charges, criminal proceedings under Section 379/411 of the IPC were also

initiated against the plaintiff at the instance of defendants. However, the Court of JMIC, Ludhiana has acquitted the plaintiff of the charges framed against him, vide judgment dated 18.01.1985. After acquittal of the plaintiff from the criminal charge defendant No.3 passed order dated 22.03.1985, imposing punishment of stoppage of three annual increments with cumulative effect and not to pay any more than the subsistence allowance already received by the plaintiff during his suspension period i.e. from 17.09.1983 to 28.04.1984. The suit of the plaintiff was decreed by the trial Court on the ground that once the criminal Court had acquitted the plaintiff on merits, on the same cause of action, punishment in question, could not be imposed upon him after the corporation went in an appeal against the judgment of the trial Court and the Lower Appellate Court affirmed the findings returned by the trial Court and dismissed the appeal.

After going through the judgments passed by both the Courts below, it is apparent that the impugned punishment orders were passed after the plaintiff had been acquitted in a criminal case vide judgment dated 18.01.1985 passed by the Judicial Magistrate Ist Class, Ludhiana. During the pendency of this appeal, the judgment passed by the Lower Appellate Court had already been implemented. Moreover, the judgments passed by both the Courts below are based on correct appreciation of evidence available on record. No illegality, much less perversity has been found in the impugned judgments, warranting interference by this Court.

No substantial question of law arise for consideration.

Dismissed.

April 22, 2015

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I attest to the accuracy and
integrity of this document

(RITU BHARI)
JUDGE