

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

**Regular Second Appeal No.1143 of 1989 (O&M)
Date of decision : 22.04.2015**

The State of Punjab

....Appellant

versus

Dilbagh Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vaibhav Sharma, DAG, Punjab
for the appellant.

Mr. S.S. Sodhi, Advocate,
for the respondent.

RITU BAHRI, J.

State of Punjab-defendant has come up in regular second appeal against the judgment of reversal dated 26.10.1988 passed by the District Judge, Chandigarh, whereby he has set aside the judgment and decree dated 23.05.1985 passed by the Sub Judge, Ist Class, Chandigarh and decreed the suit of the plaintiff-respondent.

Dilbagh Singh-plaintiff was appointed as conductor on Adhoc basis in Punjab Roadways, Chandigarh. On 21.12.1982 a complaint was made against him alleging that when he was on duty on bus No.6185 from Chandigarh to Patiala, it was checked by the checking staff near Koli and found that few passengers had not been issued tickets. Pursuant to the aforesaid complaint, services of the plaintiff were terminated vide order dated 10.01.1983. Appeal against the said order was dismissed by the

Divisional Manager, Punjab Roadways, Chandigarh, vide order dated 16.07.1984. Consequently, the plaintiff-respondent filed a suit before the trial Court challenging the aforesaid orders.

The trial Court dismissed the suit of the plaintiff. However, his appeal against the said judgment was accepted by the District Judge, Chandigarh vide judgment dated 26.10.1988. While accepting the appeal, it was held that the services of the plaintiff-appellant were terminated/dispensed with by passing a stigmatic order and no enquiry was held with regard to the allegations of misconduct, therefore, the termination order was vitiated. Feeling aggrieved, the State of Punjab has filed this appeal.

Learned State counsel has argued that in the termination order, there were no expressed words, which would cast any stigma on the plaintiff-respondent, therefore, the Court cannot delve into the departmental files to find out, whether some kind of stigma could be inferred on such research. He further contended that interference with the termination order was not called for.

At the same time, learned counsel for the plaintiff-respondent has stated that as per para 8 of the judgment passed by the lower appellate Court, the Divisional Manager, Punjab Roadways, Chandigarh while dismissing the appeal on 16.07.1984 had recorded reasons for terminating the services of plaintiff that he had committed a fraud of Government money by not issuing tickets to 23 passengers after collecting the full fare. Moreover, no opportunity was given to the plaintiff before passing the said order. Therefore, the termination order was a stigmatic order.

After considering the rival contentions and perusing the record,

it is evident that when the appeal was admitted on 19.05.1989, operation of the impugned judgment was not stayed. Thereafter, the plaintiff-respondent was taken back in service. Now this appeal has come up for hearing after almost 26 years. It will not be possible to reverse the clock back at this stage.

Accordingly, I do not find any ground to further examine the question raised in this appeal.

Dismissed.

(RITU BAHRI)
JUDGE

22.04.2015
ajp