

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

**CWP No.18111 of 2012
Date of decision : 08.09.2015**

Mahender Singh

....Petitioner

Versus

State of Punjab & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

G.S.Sandhawalia, J. (Oral)

Challenge in the present petition is to the orders dated 17.02.2009 (Annexure P-4) and 29.05.2012 (Annexure P-5) whereby the petitioner has been imposed punishment of stoppage of two annual increments with cumulative effect on the basis of an inquiry report dated 11.01.2007, which is also subject matter of challenge.

The petitioner, who was working as a driver of bus No.PB-12C-9663, was involved in a accident in which one Churu Ram fell down from the bus and died due to being run over. Resultantly, the Motor Accident Claims Tribunal, Kurukshetra awarded a sum of Rs.90,000/- as compensation along with interest @ 9% from the date of filing of petition till its realisation vide order dated 31.07.2011. The petitioner was also criminally prosecuted but was acquitted on account of benefit of doubt given by the Chief Judicial Magistrate, Kurukshetra on 09.08.2010. The departmental proceedings and inquiry was held wherein it was held that the petitioner was rash and negligent in performing his duties. The said factum of negligence has also been noticed by the MACT, Kurukshetra.

The relevant observations reads as under:

"In view of the above discussion and the law cited above and more so pendency of the criminal proceedings against the respondent No.1 is prima facie sufficient to conclude that he was rash and negligent in his driving. Thus, I am of the view that the evidence of the petitioner in this connection is trustworthy, reliable, believable and worthy of credence and the same reposes confidence in me in accepting the version of the petitioner. I, thus, return the finding on issue No.1 in favour of the petitioner and against the respondents."

On account of the said fact, the inquiry officer had also come to the conclusion that accident had been caused due to his rash and negligent driving. In pursuance of the same, his two annual increments were stopped with cumulative effect from 04.02.2009. The appeal has also been dismissed on the ground that a sum of Rs.1,03,954/- has been given as compensation to the legal heirs of the deceased, as a result of which, financial loss had been caused to the department. Therefore, the department imposed the said punishment by adopting a proper procedure after issuing show cause notice and the defence of the petitioner had been duly taken into account.

Keeping in view the above, there is no scope of interference in the impugned orders and the writ petition accordingly stands dismissed.

08.09.2015
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(G.S.Sandhawalia)
Judge