

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Regular Second Appeal No.3822 of 2011(O&M)

Date of decision: 26.11.2015

Kamal Nabh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sushil Saini, Advocate for the appellant
None for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present regular second appeal is the judgment and decree dated 18.5.2010, passed by the learned Additional District Judge, Hoshiarpur, affirming the judgment and decree dated 30.11.2005 passed by the learned Civil Judge, Junior Division, Hoshiarpur, vide which, suit of the plaintiff was dismissed.

In the suit, the plaintiff had challenged the order dated 14.1.1997, passed by the Deputy Commissioner, Hoshiarpur, vide which he was removed from the service. He had also challenged the said order by filing an appeal which was also dismissed vide order dated 30.5.1999. He also sought mandatory injunction, directing the defendants to reinstate him in service.

In short, the plaintiff was working as a Clerk in the revenue

department since 15.10.1979. It was alleged against him that on 23.2.1993 and 24.2.1993, the plaintiff was found wandering in the office of the SDM Balachaur in inebriated condition. On 24.2.1993, at about 11.00/11.30 AM, he placed a leave application in the daily record of the office and got it sanctioned in a routine. Plaintiff was initially placed under suspension. He was served with the charge sheet and as a result of inquiry conducted by SDO (Civil), Dasuya, he was held guilty and after issuing show cause notice, the impugned order was passed.

I have heard learned counsel for the appellant and have also carefully gone through the file.

It comes out that as per finding of inquiry officer, the plaintiff, who was serving in the revenue department, was found wandering in the office of SDM Balachaur in a inebriated condition. This conduct was repeated on the second day as well and later on in order to save himself, a leave application was left in the daily record of the office. The same was sanctioned in a routine. However, during inquiry, it was proved that the plaintiff – appellant was moving around in the office under the influence of alcohol, which constitutes serious mis-conduct.

Learned counsel for the appellant has argued that no proper opportunity was given to him during inquiry and that the assistance of lawyer or co-worker was not allowed. The lower Court has recorded findings of facts mentioning the dates in which the present plaintiff did not appear during the inquiry. Even despite adjournments, the plaintiff did not turn up and thereafter, the inquiry

was completed ex-parte. Therefore, the plaintiff has to blame himself for the ex-parte inquiry. There is nothing on record to show that the assistance of co-worker or lawyer was sought. The inquiry was duly proved by the statement of the then SDO (Civil) Balachaur Mr.H.S.Pabla and Dr.Inder Mohan Kataria.

It being so, both the Courts below have recorded the findings of facts. No substantial question of law arises.

Hence, the present appeal is dismissed.

26.11.2015
gk

(Kuldip Singh)
Judge