

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

RSA No.2470 of 2012(O&M)

Date of Decision: 24.08.2015

Rajbir Singh

..... Appellant

Vs.

**Haryana State Agricultural
Marketing Board & another**

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

- 1. Whether Reporters of local papers 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?*

Present: Mr. N.C. Kinra, Advocate for the appellant.

Mr. Parveen Chauhan, Advocate for the respondents.

KULDIP SINGH, J.(ORAL)

Impugned in the present regular second appeal is the judgment dated 14.12.2011 passed by learned District Judge, Panchkula, vide which the appeal filed by the defendant-department was allowed and the judgment and decree dated 23.07.2009 passed by learned Civil Judge (Sr. Divn.), decreeing the suit of the plaintiff, was set aside. Consequently suit of the plaintiff stood dismissed.

Short facts of the case are that defendant No.1-respondent had initiated disciplinary proceedings against the plaintiff by serving charge sheet on 24.03.2000. The inquiry was got conducted in which it was held that charge of negligence in recording the arrival/auction of the paddy in the register in connivance with the dealers was not proved but negligence was proved as he had not

recorded the complete entry in the register. Consequently, one increment with cumulative effect of the plaintiff was stopped vide order dated 20.08.2003. Appeal against the said order was rejected. The said order was challenged by way of filing of the civil suit before the lower court. The lower court decreed the suit and set aside the impugned orders. The judgment was reversed in appeal.

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

The plea of the learned counsel for the appellant is that one Om Pal, Auction Recorder was also served with the charge sheet but vide order Ex. P-10 he was censured only. The plaintiff also stands at the same footing. A perusal of Ex. P-10 shows that certain observations were made by the inquiry officer in favour of Om Pal and that is why lighter view was taken.

However, in the present case, the adverse findings are recorded. Therefore, the plaintiff cannot claim parity with Om Pal.

Learned District Judge, Panchkula has thoroughly examined the record and found that the impugned order imposing penalty of stoppage of one increment with cumulative effect as well as order passed by the appellate court, are in accordance with the law.

These are the findings of the facts. No substantial question of law arises in the present appeal.

Accordingly, the present appeal stands dismissed.

August 24, 2015
sarita

(KULDIP SINGH)
JUDGE