

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

LPA No. 52 of 2015 (O&M)

DATE OF DECISION : 14.07.2015

Bhim Singh

.... APPELLANT

Versus

Registrar General, Punjab & Haryana High Court, Chandigarh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Deepak Sharma, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

The instant intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 19.05.2014 passed by the learned Single Judge, whereby the writ petition (CWP No.9587 of 2014) filed by the appellant challenging the order of his dismissal dated 21.07.2005 (Annexure P-6) passed by the District and Sessions Judge, Karnal, as well as the order dated 31.10.2011 (Annexure P-8) passed in service appeal has been dismissed.

Though there is delay of 97 days in re-filing and 47 days in filing the instant appeal, and the appellant has filed separate applications (CM Nos. 103-04-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the

impugned order passed by the learned Single Judge.

After hearing learned counsel for the appellant, we do not find any ground to interfere with the impugned order passed by the learned Single Judge. The appellant was serving as Process Server in District Courts, Panipat. He was charge sheeted for accepting illegal gratification for delivery of summons to the accused persons in a complaint case filed by respondent No.3. During the enquiry, sufficient opportunity was afforded to the appellant to lead evidence. In spite of many opportunities, when the appellant did not lead any evidence, his evidence was closed by order of the Enquiry Officer. Ultimately, the charges levelled against the petitioner were duly proved, and the findings were recorded against him. On the basis of the enquiry report, vide order dated 21.07.2005 (Annexure P-6) passed by the District and Sessions Judge, Karnal, the appellant was dismissed from service. The service appeal filed against the said order was also dismissed vide order dated 31.10.2011 (Annexure P-8).

Learned counsel for the appellant argued that the evidence led in the enquiry, was not properly appreciated by the Enquiry Officer and wrong finding was recorded.

A perusal of the impugned order reveals that the learned Single Judge has considered every aspect of the matter and it has been held that a proper and fair enquiry was held against the appellant, in which he was found guilty. At this stage, the evidence led before the Enquiry Officer

cannot be re-appreciated and the aforesaid contention of learned counsel for the appellant cannot be accepted. Thus, we do not find any reason to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

July 14, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE