

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

**RSA No.4948 of 2012
Date of decision : 10.07.2015**

Gian Chand

...Appellant

Versus

General Manager, Haryana Roadways Depot, Panipat & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None.

RITU BAHRI, J (Oral)

The appellant/plaintiff has come up in regular second appeal against the judgment of the trial Court dated 18.11.2011 and the lower appellate Court dated 15.06.2012, whereby his suit for declaration of order dated 09.06.2005, vide which his two increments was stopped as illegal and void, has been dismissed.

The plaintiff is working as a driver with the Haryana Roadways. On 27.05.1994, a road accident took place between bus driven by the plaintiff and Maruti car in the area of Police Station, Shahbad. The Motor Accident Claims Tribunal, Kurukshetra passed an award of Rs.4,05,000/- against defendant No.1. A charge sheet under Rule 7 of the Punishment and Appeal, 1987 was served upon the appellant/plaintiff. Store Purchase Officer was appointed as Enquiry Officer, vide order dated 08.02.2000. He gave his report Ex.D5 dated

29.06.2001, holding the appellant/plaintiff guilty. Thereafter, a show cause notice was issued to the plaintiff on 09.07.2001 as to why his services be not terminated. After giving opportunity of hearing, the punishing authority, vide order dated 09.06.2005, stopped his two increments with cumulative effect. The suit of the plaintiff has been dismissed by both the Courts below as it is a settled proposition of law that the proceedings in a criminal case and the departmental case can proceed simultaneously with little exception. In the departmental proceedings, where a charge relating to misconduct is being investigated, the authority can investigate or enforce discipline or investigate the level of the integrity of the delinquent or the other staff. The standard of proof required in those proceedings is also different than that required in a criminal case. This aspect has been considered in a judgment passed by the *Hon'ble Supreme Court in the case of Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. & anr. 1999 (2) RSA 318 SC.*

In the present case, the department had a right to initiate the departmental proceedings against the appellant/plaintiff, who is negligent in his duties and caused loss to the department. The proceedings in a criminal case had no effect on the departmental proceedings initiated against the plaintiff as per the service rules. The punishment had been imposed upon the appellant/plaintiff by following the due procedure as per the service rules after affording reasonable and fair opportunity to the appellant/plaintiff. The

judgments of both the Courts do not suffer from any mis-reading or perverse reading of evidence. No substantial question of law arises for consideration.

Dismissed.

10.07.2015

Vinay

(RITU BAHRI)

JUDGE