

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1253 of 2013 (O&M)
Date of Decision.04.09.2015

Ram Murti

.....Appellant

Versus

Punjab State through its Secretary, Transport Department, Chandigarh
and others

.....Respondents

Present: Mr. R.S. Ahluwalia, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J.

1. The plaintiff sought for a declaration that the departmental enquiry conducted against three persons that resulted in punishment was dealt with differently against each one of the employees. A conductor Jagir Singh, who was said to have committed fraud in the manner of collection and actual remittance was let off with a warning. Yet another person who had committed a similar fraud was not found guilty at all but the plaintiff who was a superior officer and who was charged with the offence of being negligent for not appropriately exercising control was imposed with a punishment of stoppage of two increments with cumulative effect. This was brought in challenge as being grossly discriminatory. The trial Court found that the discrimination did exist but did not make interference. The Appellate Court held that it is not an issue which the Civil Court will enter upon

for rendering an adjudication in favour of the plaintiff. The counsel appearing for the employee presents to me that the discrimination was manifest by the manner of punishment inflicted and refers to me a judgment of Division Bench of this Court in *Chattar Singh Vs. The Haryana Vidyut Prasaran Nigam Limited and others 2002(1) RSJ 97.*

2. Since the issue was that the departmental authorities had exercised a discrimination amongst the employees in the manner of how the so-called misconduct was treated, I had directed the counsel appearing on behalf of the appellant to circulate the translated copy of the enquiry report of the departmental proceedings and the punishment order which was inflicted that was brought in challenge by means of suit. I had only the benefit of the copies of judgments filed along with the appeal and since the matter that was pressed before the Court was that the authorities had treated the various employees differently and the punishment meted out to the plaintiff was grossly being discriminatory, I required the impugned order in the suit namely of the enquiry report and the punishment inflicted by the departmental authority. Although, I had reserved the case after hearing the counsel on 18.8.2015, there has been no compliance of the direction and I am totally handicapped to address the issue of whether there was discrimination or not. A case cannot be merely decided on a second appeal when the only ground alleged was a so-called discrimination in the manner of meting out the punishment to similarly employed person. In the first place, there is no question of Article 14 in case of misconduct and punishments rendered. If the appellant himself was guilty of a serious misconduct of not effectively supervising his

subordinates that resulted in misappropriation by his subordinates, a higher punishment imposed on such an officer was perfectly justified. Even otherwise of the ground of challenge were to be pressed forth, it was imperative that the appellant makes available to the Court of the necessary documents for making an appropriate appraisal. The appellant has not availed to himself the opportunity granted to him by supplying the necessary copies and I have no doubt in my mind that the judgments of the Courts below conform to the evidence given and they have come to the correct conclusion.

3. I will find no substantial question of law as arising for consideration in the second appeal. I dismiss the second appeal as such.

(K. KANNAN)
JUDGE

September 04, 2015
Pankaj*