

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

\* \* \* \* \*

**RSA No. 2407 of 2013 (O&M)**

Date of decision : July 14, 2015

\* \* \* \* \*

Joginder Pal Singh

.....Appellant

Versus

Punjab State and others

.....Respondents

\* \* \* \* \*

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

\* \* \* \* \*

Present: Mr. H.K Brinda, Advocate for the appellant.

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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?*

**RITU BAHRI, J**

**C.M No. 6590-C of 2013**

C.M is allowed.

For the reasons mentioned in the application, delay of 25 days in filing the appeal is condoned.

**RSA No. 2407 of 2013**

This regular second appeal has been filed by the appellant-plaintiff (hereinafter referred to as 'the plaintiff') against the judgement dated 14.3.2012 passed by the Civil Judge (Junior Division), Anandpur Sahib whereby the suit filed by the plaintiff was dismissed and the judgment dated 18.12.2012 passed by the Additional District Judge, Fast Track Court, Rupnagar whereby the

appeal against the judgement of the trial Court was dismissed.

The plaintiff was appointed as conductor in the Punjab Roadways. He challenged the following orders whereby his increments with cumulative effects were stopped:

- i. Order No.715-19 dated 17.03.1998 three increments with cumulative effect,
- ii. Order No.405/TA, dated 21.09.1989, one increment with cumulative effect,
- iii. Order No.2018-22TA-22TA, dated 09.05.1990, two increments with cumulative effect
- iv. Order No.331-32TA, dated 1.11.1990 one increment with cumulative effect,
- v. Order No.6373-74/ST/GM, dated 28.12.1992, one increment with cumulative effect,
- vi. Order No.1189-81, dated 15.06.1978, one increment with cumulative effect,
- vii. Order No.3495/TA, dated 02.09.1985, one increment with cumulative effect,

The defendants have proved on record Inquiry Reports of the plaintiff as Ex. D-1 to Ex. D-6 which show that the plaintiff was found guilty by the inquiry officer for the charges levelled against him. As per inquiry report, Ex. D-1 the plaintiff was found guilty of drinking on duty as he was in an inebriated condition, when the bus was checked by Sh. Kewal Krishan, Ex. Speaker of Legislative Assembly. As per the inquiry reports Ex. D-2 to D-6, the plaintiff had

taken fare from the passengers and he had not issued tickets to them and he was caught when the bus was stopped by the checking staff. As per inquiry reports Ex. D-1 to D-6 the plaintiff was given full opportunity of hearing and lead his defence evidence. Moreover, he was also given an opportunity to cross-examine prosecution witnesses. As per Ex.P-7 the plaintiff had violated the discipline of the department by keeping a sharp edged weapon in his hand and inquiry in this regard was conducted. During inquiry the plaintiff was granted full opportunity of being heard and to lead defence evidence. No prosecution witness was examined in the inquiry, therefore inquiry officer did not give his comments on the allegations. However, vide order dated 28.12.1992 passed by General manager Punjab roadways Nangal his one increment was stopped.

The defendants had led sufficient evidence to show that all the major punishments inflicted upon the plaintiff were in accordance with law and service rules by conducting departmental inquiry. The suit was filed on 5.3.2009 after a period of more than 16 years which was held to be beyond a period of three years and the suit was held to be filed not within limitation. The suit was dismissed by the trial Court.

The appeal filed by the plaintiff was also dismissed by the appellate Court and the judgement of the trial Court was upheld.

Counsel for the appellant-plaintiff has referred to a judgement of this court in **State of Punjab versus Shri Premjeet**

and another 2010 (3) RSJ 512 to contend that the punishment of stoppage of increment with cumulative effect would give concurrent cause of action every month when increment which was due not granted on the basis of punishment awarded and the suit could not be dismissed on the issue of limitation. Reference to this judgement is of no help to the plaintiff-appellant as in that case while imposing the major punishment no procedure of conducting a regular inquiry had been adopted and on that ground the question of limitation would not arise.

In view of all that has been discussed above the judgements passed by both the courts below do not suffer from any misreading of evidence or law. They do not require any interference by this Court. No substantial question of law arises for consideration in this regular appeal. Hence, the same is dismissed

July 14, 2015  
*ritu*

( RITU BAHRI )  
JUDGE