

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

RSA No.1722 of 2015 (O&M)

Date of Decision:07.09.2015

HARNEK SINGH

... Appellant

Versus

FOOD CORPORATION OF INDIA & ORS

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek Goel, Advocate
for the appellant.

RAJ MOHAN SINGH, J. (Oral)

CM-4710-C of 2015

Prayer in this application is for condonation of delay of
21 days in filing the present appeal.

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

Application stands disposed of.

RSA No.1722 of 2015

[1.] Plaintiff is in second appeal against the judgment and
decree dated 23.08.2014 vide which judgment and decree dated
03.03.2012 passed by Civil Judge (Jr. Division), Faridkot has
been upheld.

[2.] Plaintiff filed a suit for declaration and mandatory
injunction in the context of order passed by the Authority,
wherein, plaintiff was punished by way of reversion from the
post of AG-I(D) to AG-II(D). Order of punishment was passed
after charge-sheeting the plaintiff and after holding regular
inquiry against him. Order of punishment was challenged by
plaintiff unsuccessfully in hierarchy of Authority and ultimately

failed therein. Thereafter, plaintiff has filed suit for declaration and mandatory injunction, challenging the order of Authority passed in departmental proceedings. Both the Courts have rejected the claim of the plaintiff.

[3.] The defendants have successfully demonstrate before the Courts below that the order of punishment was passed in accordance with proper procedure and service rule. There was no infraction of any rule or procedure and in view of that the order cannot be termed as illegal, void and arbitrary. Since the departmental proceedings have been conducted by associating the plaintiff, therefore, the plea of violation of principles of natural justice has also not been found in favour of plaintiff.

[4.] I have considered the submissions made by learned counsel for the appellant.

[5.] Nothing has been shown that there is violation of any principle of natural justice. The scope of civil suit in such circumstances is very limited, only to see whether proper procedure has been followed by department while inflicting punishment and there is no violation of any principle of natural justice. No law point is involved. There is no scope to interfere in concurrent findings of fact recorded by both the Courts.

[6.] Dismissed.

September 07, 2015
prince

(RAJ MOHAN SINGH)
JUDGE