

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3113 of 2015
Date of decision: 29.09.2015

Rameshwar Chandel

... Appellant

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. DK Nagar, Advocate for the appellant.

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?

ARUN PALLI J. (Oral)

Suit filed by the plaintiff was dismissed by the trial court vide judgment and decree dated 27.08.2014. Appeal preferred against the said decree failed and was dismissed vide judgment dated 02.01.2015. That is how, plaintiff is before this court in this regular second appeal. Parties to the lis, hereinafter, would be referred to by their original positions in the suit.

In a suit filed by the plaintiff, he prayed for a declaration that the order dated 09.02.2006, vide which his two annual increments were withheld with cumulative effect and the order dated 05.09.2006, vide which his remaining pay qua the suspension period was since forfeited, both passed by defendant No.2, were illegal and void. It was maintained that

the plaintiff was engaged as a Law Officer in the Roadways Department and was posted at Nangal Depot (Punjab). Defendant No.2 gave an additional charge of Hoshiarpur Depot to the plaintiff. Plaintiff could not report to the office of General Manager, Punjab Roadways Depot Hoshiarpur due to court cases of the Department at Nangal. As a result, pursuant to a complaint submitted by General Manager, Punjab Roadways Depot Hoshiarpur, defendant No.2 placed the plaintiff under suspension. A departmental inquiry was initiated against the plaintiff and since he was found guilty of the charges, orders dated 09.02.2006 and 05.09.2006 were passed. It was pleaded that the report of the inquiry officer and the aforesaid two orders were contrary to the rules as also the principles of natural justice.

In defence, it was pleaded, inter alia, that the orders dated 09.02.2006 and 05.09.2006 were preceded by a regular departmental inquiry. Proper procedure in sync with the rules was followed. Plaintiff, in terms of the provisions of Punjab Civil Services Rules, 1970, had a remedy of appeal before the appellate authority i.e. the Secretary to the Government of Punjab, Department of Transport, but he failed to avail the same. As plaintiff failed to comply with the administrative order dated 28.08.2003 and did not attend the court cases of Punjab Roadways, Depot Hoshiarpur, order of punishment was rightly passed.

On a due and comprehensive consideration of the matter in issue, and the evidence on record, the courts below concurrently concluded that the inquiry report (Ex.D4) revealed that the plaintiff was afforded due and adequate opportunity to defend himself during the enquiry proceedings. And vide a conclusive finding, he was found guilty of having disobeyed the administrative orders issued by defendant No.2. Further, plaintiff conceded in his cross-examination that he did not prefer any appeal against the departmental appellate authority. Concededly, he acquired knowledge of the circular dated 20.08.2003 on 04.09.2003, vide which he was assigned an additional charge of Hoshiarpur Depot, but yet he overlooked the administrative directions. Analysis of Ex.D4, Ex.D6 & Ex.D9 proved that there was nothing perverse in the finding recorded by the inquiry officer and consequential punishment awarded. Further, as the punishment inflicted upon the plaintiff was not disproportionate to the gravity of misconduct, no interference was warranted.

Learned counsel for the appellant could not point out as to how the conclusions, that had concurrently been arrived at by both the courts below, were either contrary to the position on record or suffered from any material illegality. No other argument was advanced. In short, plaintiff was found guilty of the alleged misconduct. And concededly, the orders of punishment were preceded by a regular departmental inquiry.

Evidence on record proved that the inquiry held against the plaintiff was fair and proper.

That being so, there hardly exists any ground, least plausible in law, to interfere with the decree being assailed. No question of law, much less any substantial question of law, arises for consideration. Appeal being devoid of merit is accordingly dismissed.

September 29, 2015
Rajan

(Arun Palli)
Judge