

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

RSA No.2533 of 2014 (O&M)

Date of decision: 25.08.2015

Satpal

... Appellant

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. G.S.Bal, Senior Advocate with
Mr. A.D.S.Bal, Advocate
for the appellant.

Mr. Rajesh Mehta, Addl.A.G.Punjab.

AMIT RAWAL J. (Oral)

C.M.No.10133-C-2015

The application is allowed, subject to all just exceptions.

Reply by way of affidavit for condonation of delay, on behalf of respondents No.1 to 3 is taken on record.

C.M.No.5982-C-2014

For the reasons stated in the application, duly supported by an affidavit, delay of 08 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.2533 of 2014 (O&M)

Appellant-plaintiff has approached this Court against the

concurrent finding of fact, whereby, the suit for declaration to the effect that the impugned order dated 14.10.2002 passed by the Deputy Commissioner Gurdaspur, vide which two increments of the appellant-plaintiff with permanent effect have been stopped and as well as, order dated 31.07.2005 passed by the Commissioner Jalandhar Division, Jalandhar, whereby, the appeal has been dismissed.

Mr. G.S.Bal, learned Senior counsel assisted by Mr. A.D.S.Bal, Advocate submits that both the Courts below have committed illegality and perversity in dismissing the suit, as well as, appeal, whereas, there is umpteen number of the documents to show that the Inquiry Officer did not give any opportunity to the appellant-plaintiff, much less, no documents were given. Even the Inquiry Officer also acted as Presenting Officer.

Mr. Rajesh Mehta, learned Additional Advocate General, Punjab submits that there is no illegality and perversity in the finding rendered by the Courts below. He further submits that no substantial question of law arises to be adjudicated by this Court and the finding is based on appreciation of oral and documentary evidence.

I have heard learned counsel for the parties and appraised the paper book.

Both the Courts below have found that the appellant had moved an application which was at page No.147 of the inquiry file, vide which he gave list of witnesses to be examined in his defence

and in the instant case, two witnesses were examined by the Inquiry Officer. Even as per the inquiry report, Enquiry Officer was appointed as Presenting Officer for conducting the inquiry, simply because of the name of the Presenting Officer, it cannot be inferred that the Inquiry Officer and Presenting Officer both were same. Even in the cross-examination, appellant admitted allegations levelled against him, thus, in my view, there is no illegality and perversity in the finding rendered by both the Courts below. No fault can be found with the finding which are based on appreciation of the oral and documentary evidence, much less, no substantial question of law arises for determination.

Accordingly, the regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 25, 2015

savita