

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

**Regular Second Appeal No.964 of 2015 (O&M)
Date of decision:18.03.2015**

Ajit Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Sonia G. Singh, Advocate,
for the appellant.

Ritu Bahri, J.

CM Nos.2845-2846-C of 2015

For the reasons mentioned in the applications, same are allowed and delay in filing and re-filing the appeal is condoned.

RSA No.964 of 2015

Plaintiff-appellant has come up in regular second appeal against the judgments of concurrent findings of fact passed by the Addl. Civil Judge (SD), Pataudi and the Additional District Judge, Gurgaon, whereby his suit has been dismissed.

Ajit Singh-plaintiff was appointed as sweeper-cum-chowkidar on 12.05.1999 on compassionate grounds in lieu of the services of his deceased father. However, vide order dated 18.11.2003 passed by defendant-respondent No.4 he was placed under suspension. At that time, no charge sheet was served upon him. Later on, a charge sheet was given to the plaintiff-appellant vide memo dated 08.11.2005. As per the plaintiff, he was legally entitled to reinstate and to receive all the dues against the

respondents-defendants. He alleged that he was given beatings by Ex-

principal, one lecturer and two other teachers in the office of the Principal and was forced to sign some blank papers, regarding which, he filed a criminal complaint in the Court, wherein notice has been issued to the respondents. Thereafter, he filed a suit for declaration to the effect that the order of suspension dated 18.11.2003 passed by defendant-respondent No.4 was against the law and fact and the charge sheet dated 08.11.2005 was not binding upon him.

Upon notice, the defendants-appellants filed written statement and controverted the allegations levelled by the plaintiff.

During the pendency of the suit, the plaintiff-appellant was reinstated in service on 18.10.2007. Except, quashing of the charge sheet dated 08.11.2005, he had been allowed to join the duty.

The trial Court, after going through the evidence led by the parties, dismissed the suit of the plaintiff. The lower appellate Court affirmed the findings recorded by the trial Court and dismissed the appeal.

Learned counsel for the appellant states that despite the order of suspension having been withdrawn, he has not been allowed to join the duty. After completing the inquiry, necessary report has not been given to him.

Both these issues cannot be decided in a regular second appeal. Moreover, after going through the impugned judgments passed by the Courts below, no illegality, much less perversity, has been found therein warranting interference by this Court.

No substantial question of law arises for consideration.

Dismissed.

18.03.2015
ajp

(RITU BAHRI)
JUDGE