

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 6091 of 2014 (O&M)
Date of decision:- 06.04.2015

F.C.I

...Appellant

Versus

Bhupinder Singh Dhillon

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ravi Kant Sharma, Advocate
for the appellant.

RITU BAHRI J. (Oral)

The present regular second appeal is directed against the concurrent finding of facts recorded by both the Courts below whereby the suit of the plaintiff-respondent(for short 'respondent'), was decreed.

The appellant had imposed a penalty of reduction in the pay scale of the respondent on 29.05.2001 and show cause notice regarding review of order was issued in July 2006 i.e after a gap of 05 years. The department proceeded to make recovery of Rs.35,000/- from the respondent for the alleged lapse committed by the respondent way back in the year 1998, which was subject matter of imposing penalty on 29.05.2001.

Learned counsel for the appellant has argued that as per Section 74 (1) (b) of the FCI (Staff) Regulations, 1971, the Board, at any time either on its own motion or otherwise

call for the records of any enquiry and review any order made under these regulation.

The argument of learned counsel for the appellant is liable to be rejected as the impugned order of reducing pay scale of the respondent was passed on 29.05.2001 and show cause notice was issued in July 2006, after a gap of 05 years when the matter had attained finality and no explanation has been given by the department that why they had reviewed order when the loss was in their knowledge since 29.05.2001

The judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed.

April 06, 2015
G Arora

(RITU BAHRI)
JUDGE