

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

RSA No. 2501 of 2004  
Date of decision: 27.08.2016

Pepsu Road Transport Corporation Patiala and others  
.....Petitioners  
Versus

Sukhdev Singh (since deceased) through legal representatives  
.....Respondents

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

**Present:** Mr. Anupam Singla, Advocate,  
for the petitioners.

Mr. H. R. Bhardwaj, Advocate,  
for the respondent(s).

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**P.B. BAJANTHRI, J. (Oral)**

In the present RSA, the appellants have questioned the order of the trial Court dated 04.11.2003 as well of the appellate Court dated 04.03.2004.

The respondent-Sukhdev Singh, who passed away during the pendency of the litigation and his legal representatives are prosecuting the matter, deceased-Sukhdev Singh was a Driver in the appellant-Corporation. The respondent was appointed as Driver in the year 1981. He was charge sheeted on 20.04.1999 for mis-utilizing the diesel as well as for misbehaving with the higher officers. He submitted his reply denying the charges. Before the Inquiry Officer, he has admitted his charge. Consequently, report has been drawn by the Inquiry Officer and finding has been given that the deceased-employee had admitted his guilty and the charges levelled against the deceased employee is proved. Thereafter, second show-cause notice

was issued and he had submitted his reply. The same was taken note of and his services were terminated on 12.10.1999. He preferred an appeal before the appellate authority and the same was dismissed on 27.01.2000. Consequently, he filed a suit before the trial Court on 28.04.2001. On 04.11.2003, the suit was decreed which reads as under:-

*“15. In view of my findings on all the issues above, the suit filed by the plaintiff succeeds. Consequently, I pass a decree for declaration to the effect that the order dated 12.10.1999 and 27.1.2000, dismissing the plaintiff from service, are illegal and he is entitled to be reinstated in service and to all the benefits of continuous service, as if said orders, have not been passed. However, the defendants are at liberty to hold fresh enquiry, within the period of six months, from the date of this decree, failing which they will be liable to pay salary and allowances, treating the plaintiff to be in continuous service, along with interest 9 % per annum, from the date of passing of the order, dismissing him from service, till actual payment is made. In the facts and circumstances, of the case, parties are left to bear their own costs. Decree sheet be prepared. File be consigned to the Record Room”*

Feeling aggrieved by the trial Court order, the appellants have preferred an appeal before the appellate Court. On 04.03.2004, the appellate Court confirmed the order of the trial Court, thus the appellants have presented this RSA.

Learned counsel for the appellants vehemently contends that the deceased-employee admitted before the inquiry officer. In view of the admission, the charges levelled against him were proved. Consequently, his services have been terminated. There is no infirmity in the order of termination as well as disciplinary

proceedings since the deceased-employee himself has admitted the guilt. He further contends that before the trial Court for the first time the deceased-employee has taken the objection that the inquiry officer pressurize him to admit the guilt so that a lenient view would be taken in the disciplinary proceedings. Thus, the trial Court erred in holding that the termination order as void and further direction that the deceased-employee is entitled for consequential benefits are arbitrary and contrary to the records.

On the other hand learned counsel for the respondent submits that the deceased-employee fairly admitted the guilty therefore, the appellant should have taken a lenient view instead of imposing major penalty of termination from service. He further submits that the deceased-employee served more than 18 years of service in the appellants-corporation so they could have taken a lenient view. There was pressure by the inquiry officer to admit the guilt so as to take lenient view in the disciplinary proceedings.

Heard learned counsel for the parties.

It is the contention of learned counsel for the appellants that the deceased-employee has admitted his guilt before the inquiry officer as well as reply to the second show-cause notice therefore, there is no question of interference by the trial Court. The inquiry officer must have told the deceased-employee that if he admits the charge a lenient view would be taken. Therefore, there is every possibility of admission of guilt by the deceased-employee. The deceased-employee has not taken such a contention in the reply to

second show-cause notice as well a before the appellate authority. For the first time before the trial Court, he has raised this contention that the inquiry officer has pressurized him so as to admit the guilt of the alleged charges. Even otherwise the disciplinary authority should have taken a lenient view for the reasons that the deceased-employee was fair enough to admit the charges for which other than dismissal penalty could have been imposed. The fact that the deceased-employee had admitted the charge read with the new development during pendency of the litigation that he has passed away and his legal representatives have been brought on record, it is necessary to quash the order of the trial Court dated 04.11.2003 and direct the appellants to reconsider the penalty in so far as dismissal from service to that of any other penalty so as to get some retiral benefits by the legal representatives of the deceased-employee. The respondents are directed to reconsider, in so far as the penalty of termination from service is concerned, within a period of 4 months from today and impose other than termination penalty. Thereafter, monitory benefits which were due to the deceased-employee shall be released to the legal representatives within a period of 3 months.

The appeal is accordingly, allowed and the trial Court order dated 04.11.2003 as well of the appellate Court order dated 04.03.2004 are set-aside.

**27.08.2016**

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**(P.B. BAJANTHRI)**  
**JUDGE**

Whether speaking/reasoned      Yes/No

Whether reportable                Yes/No