

RSA-3726-2012

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:28.03.2016

Jagdev Singh

....Appellant

Versus

The Secretary State Transport Punjab, Chandigarh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Virinder Kumar Shukla, Advocate,
for the appellant.

SABINA, J.

Appellant had filed suit for declaration challenging the order dated 05.07.2006.

Case of the appellant, in brief, was that he was working as a Conductor with the Punjab Roadways and his services were illegally terminated vide order dated 05.07.2006.

Respondents in their written statement averred that the services of the appellant had been terminated in accordance with law. Appellant had misappropriated revenue while on duty.

On the pleadings of the parties, following issues were framed by the trial Court:-

“1. Whether the order dated 5.7.06 is illegal, null

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and void? OPP

2. *Whether the plaintiff is entitled for declaration as prayed for? OPP.*
3. *Whether this court has no jurisdiction to decide the suit? OPD*
- 4 *Relief.”*

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 28.07.2011 dismissed the suit of the plaintiff. The said judgment and decree were upheld in appeal filed by the appellant by the First Appellate Court vide judgment/decreed dated 26.04.2012. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and have gone through the record available on the file carefully.

The scope of judicial review regarding interference with punishment order is very limited. The jurisdiction of this Court is only to see the method/manner of awarding punishment. The Court is only concerned with the procedure adopted by the Punishing Authority. If the procedure adopted by the Punishing Authority is according to rules and natural justice, then no interference with the punishment order is called for. This Court cannot go into the merits of the case. In case, the finding of the Inquiry Officer is based on some evidence, then the Court cannot re-appreciate the evidence or

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weigh the same like the Appellate Authority. So long as there is some evidence in support of the conclusion arrived at by the departmental authority, the same has to be sustained. Some defect in the inquiry has to be pointed out before this Court can interfere with the punishment order. Further more, if defect is pointed out then the delinquent employee has to show as to what prejudice has caused to him on account of the said defect. The Court exercising jurisdiction of judicial review is not to interfere with the finding of the fact arrived at in a departmental inquiry excepting in a case of mala fide or perversity.

In the present case, both the Courts below after appreciating the evidence led by the parties have observed that inquiry proceedings had been conducted in accordance with law. Charge sheet was issued to the appellant and he submitted his reply to the said charge sheet. During inquiry proceedings, the appellant cross-examined the witnesses examined by the respondents and also examined the witnesses in his defence. Appellant was also provided assistance of a co-worker during inquiry.

Thus, the Courts below rightly held that the departmental proceedings had been held against the appellant in accordance with law before passing of the impugned order. It has further been noticed by the Courts below that as per

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record, appellant was awarded 23 punishments in his service tenure.

In the facts and circumstances of the present case, Courts below had, thus, rightly held that the suit of the appellant was liable to be dismissed.

No substantial question of law arises in this appeal, warranting interference by this Court.

Dismissed.

March 28, 2016
kapil

(SABINA)
JUDGE