

RSA-6462-2014

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In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:04.04.2016

Ajit Singh

....Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

Mr. Neeraj Yadav, AAG, Punjab.

SABINA, J.

Appellant had filed suit for declaration that he was entitled for restoration of his two annual increments with all consequential benefits.

Case of the appellant, in brief, was that he was working as a Conductor under defendant No.4. On 06.08.2013, bus No.9329 was checked and 6 passengers were found travelling from Pathankot to Nangal Bhoor without tickets. In this regard, departmental proceedings were initiated against the appellant. The punishing authority vide order dated 07.09.2005 ordered that two annual increments of

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the appellant be stopped with cumulative effect. Appeal filed by the appellant was dismissed by the Appellate Authority. Hence, the suit was filed by the appellant challenging the punishment order.

Respondents-defendant in their written statement averred that the impugned orders had been passed after following due procedure of law.

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

- “1. *Whether the plaintiff is entitled to declaration as prayed for? OPP*
2. *Whether plaintiff is entitled to Mandatory Injunction as prayed for? OPP*
3. *Whether the suit of the plaintiff is not maintainable? OPD*
4. *Relief.”*

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 07.09.2013 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 08.07.2014. Hence, the present appeal by the appellant-plaintiff.

I have heard learned senior counsel for the appellant as well as learned State counsel and have gone

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through the record available on the file carefully.

In the present case, departmental proceedings were initiated against the appellant with regard to the checking done by the checking staff on 06.08.2003. The Inquiry Officer submitted report in favour of the appellant. However, the punishing authority did not agree with the report submitted by the Inquiry Officer and recorded a dissenting note. The said dissenting note was duly communicated to the appellant and the appellant submitted his reply to the same. Show cause notice was issued to the appellant and he submitted his reply to the said show cause notice.

Thus, in the present case, the punishment order whereby two annual increments of the appellant were ordered to be stopped with cumulative effect was passed after holding departmental inquiry as per rules. Although, in the present case, the Inquiry Officer had exonerated the appellant but the punishing authority could have accepted the inquiry report or could have taken a different view. The punishing authority in the present case gave its dissenting note which was duly communicated to the appellant and appellant had submitted his reply to the same. After issuance of show cause notice to the appellant, the punishing authority passed the punishment order dated 07.09.2005.

In the present case, the impugned order was passed

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after holding a departmental inquiry in accordance with law.
Hence, the Courts below rightly held that the same was liable
to be upheld.

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

Dismissed.

April 04, 2016
kapil

(SABINA)
JUDGE