

CWP-2481-1996 (O&M)

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

CWP-2481-1996 (O&M)

Date of Decision : 16.5.2017

Chander Bhan

..... Petitioner

Versus

**Secretary to Government of Haryana, Department of Transport and
others**

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Dr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J. (Oral)

CM-3565-2017

This is an application for early hearing of the main case.

Learned Sr. DAG has no objection if the application is
allowed.

For the reasons mentioned in the application, the same is
allowed and the case is heard today itself.

Main Case

By this petition the petitioner has challenged the order
Annexures P-3 and Annexure P-5. By order Annexure P-3 he was
dismissed from service. He filed an appeal and by an order Annexure P-5
the dismissal order was set aside. He was reinstated and punishment of
reduction to time scale for 3 years was imposed. The allegation against

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the petitioner was that on 16.7.1988 the checking staff checked the bus No. 4778 in which the petitioner was a conductor. They found that the conductor had not entered some tickets of Rs. 5.50/- and some of Rs. 6.50/- and on checking those tickets were found duly punched from his pocket. On the basis of this it was concluded that he intended to sell these tickets on the return journey. It is pertinent to mention here that all these three Inspectors had testified against the petitioner but he had not cross-examined even one of them. Once that is so the argument which is now sought to be raised that no actual loss was caused to the Government would pale into insignificance. It is also argued that at the best it is a case of intention but I have reached the conclusion that it is a case of attempt. Rather, I find that appellate authority has granted him rather undue benefit of reinstatement. However, I leave it at that and dismiss this petition.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

16.05.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No