

In the High Court of Punjab & Haryana at Chandigarh.

RSA-1362-1991 (O&M)

Date of decision: 17.02.2017

Mangat Rai

... Appellant

V/S

The State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Sakshi Raheja, Advocate
for the appellant.

Mr. Anil Sharma, Addl. A.G.Punjab.

RAJIV NARAIN RAINA, J(ORAL)

1. The petitioner was charge-sheeted for negligence and embezzlement. He was a Conductor in the Punjab Roadways. Commission of misconduct was put to regular departmental proceedings ordered against him. Three prosecution witnesses were produced by the Management and they deposed against the plaintiff. The enquiry officer found that it was not a case of exoneration. The inquiry led to the finding of guilt. This finally led to imposition of penalty of withholding of three increments with cumulative effect by the disciplinary authority, being the General Manager, Punjab Roadways, Nawanshahar. The punishment imposed is major.

2. The order of punishment was called in question in the suit filed by the appellant/plaintiff. He challenged the inquiry and the report as based on no evidence. The procedure was tried to be faulted on the plea that assistance of co-worker was not given to the delinquent plaintiff. Both these pleas have been negated by the learned

Sub Judge, Second Class, Jalandhar by judgment and decree dated 31st

August, 1989. The appeal before the learned Additional District Judge, Jalandhar failed on 21st December, 1990 and the verdict of the trial Court was upheld. Both the Courts below have agreed that procedure laid down in Rule 8.2 of the Punjab Civil Services (Punishment and Appeal), Rules 1970 was adhered to and the inquiry was conducted in a fair and proper manner by giving reasonable opportunity of defence to the appellant at all the stages during the inquiry. The requisite procedure thereafter was followed by calling upon the delinquent to submit his reply to the inquiry report, and after consideration of which, the penalty was inflicted.

3. As far as the plea that assistance of co-worker was not allowed, is concerned, there was an admission in the inquiry file at page 49 of the report that the Enquiry Officer at the end of the proceedings had put a specific question to the delinquent whether he wanted assistance of a co-worker to which the response was in the negative. If the delinquent had surrendered his right to assistance of a co-worker, then he cannot plead prejudice that the proceedings stand vitiated on account of this. In any case, the courts below read the evidence and discovered that the plaintiff before the Inquiry Officer had cross-examined the management witnesses. This was sufficient opportunity of fair procedure. I find no reason to depart from the views expressed by the two courts below and uphold them as sound in law and fact. Interference by this Court in disciplinary matters is limited to examination of glaring perversity, arbitrariness, bias and the like. When these infirmities are not present on record, this Court would not interfere with disciplinary proceedings or take a different view on the

quantum of punishment or set about reducing it, which is the prerogative of the General Manager and his work in this case is not found wanting, dubious or suffering from error. Non-interference is called for.

4. In view of the above, the appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

17.02.2017
smriti/MFK

Whether speaking/reasoned : *Yes*

Whether reportable : *No*