

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

RSA No.1841 of 1991

Date of Decision: 2.3.2017

The State of Punjab and another ... Appellants

Versus

Dilbag Singh ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.P.S.Bajwa, Addl.A.G., Punjab for the appellants

Mr.Prateek Mahajan, Advocate for the respondent

RAJIV NARAIN RAINA, J. (Oral)

1. Mr. Pardeep Singh Bajwa, learned Additional Advocate General, Punjab for the appellants produces translated copies of two charge-sheets in compliance of the interim order dated 2nd December, 2016 passed by this Court. The said translated copies are taken on record which may be tagged at the end of the paper-book.

2. Mr. Bajwa submits that a perusal of service book of the plaintiff, who was working as a Conductor in Punjab Roadways, shows that there are far too many red entries therein which were not taken into consideration by the learned trial court. He submits that the suit suffers from misjoinder of causes of action, and therefore, fair trial has not taken place.

3. Learned counsel for the respondent/plaintiff submits that no enquiry into the red entries was ever conducted and whether they constituted misconduct.

4. I have heard learned counsel for the parties for some time.

Without expressing any opinion on the merits of the case, I am of the view

that all the orders of the administrative authorities as also the lower appellate and the trial courts deserve to be undone as they have not succeeded in doing justice. Therefore, the case is remitted to the disciplinary authority to pass a fresh order in accordance with law. The disciplinary authority will take a fresh look at the red entries in the service-book and other record of the plaintiff and form an opinion as to the action required to be taken. Parties are free to lead further evidence and bring relevant materials on record, pro and contra, in case the authority finds the necessity to appoint an Enquiry Officer, which may be the better option to follow for removal of all doubts and to serve the ends of justice, it may proceed to do so.

5. The appeal is partly allowed. The judgment and decree of the first appellate court is set aside. The administrative orders/actions impugned in the suit are invalidated and case remanded to the disciplinary authority or enquiry officer, as the case may be, according to the decision of the competent appointing/disciplinary authority.

6. Plaintiff respondent is directed to appear before the disciplinary authority on 3.4.2017.

(RAJIV NARAIN RAINA)
JUDGE

2.3.3017
MFK

Whether speaking/reasoned

Yes

Whether Reportable

No