

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

RSA No.2092 of 1994
Date of Decision: 25.4.2017

State of Punjab

... Petitioner

Versus

Pardeep Kumar

... Respondent

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

Present: Mr.B.M.Vinayak, DAG, Punjab for the appellant

Mr.Tushar Sharma, Advocate for the respondent

RAJIV NARAIN RAINA, J. (Oral)

There is a concurrent finding of fact recorded by the courts below that charge-sheet was not issued by the competent authority, and therefore, the entire charge-sheet is vitiated. I have no reason to disagree with the work of the learned courts below on the legal principle relied upon which is well established. The judgments and decrees passed by the learned courts below suffer from no error of law or legal infirmity. The State of Punjab was unable to prove before the courts below that the Circle Education Officer was the competent authority delegated with power to issue charge-sheet to a Clerk in the Education Department. The findings are concurrent and I endorse the same. No question of service law much less than a substantial question arises in this appeal on the second appellate side.

In view of the above, I find no merit in this appeal which is accordingly dismissed.

25.4.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No