

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

Date of decision: 19.01.2017

RSA No.996 of 1994

State of Punjab

...Appellant

Vs.

Hardev Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Dr. Puneet Kaur Sekhon, Addl. AG, Punjab.

None for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

The only issue of any worth raised by the State in its appeal is that in the inquiry proceedings there was no violation of Rule 8.11 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970. Both the Courts below have agreed that there was violation. Violation of a provision like Rule 8.11 is in factual domain to be determined on the facts and circumstances of the enquiry proceedings whether proper procedure was followed in all the predetermined steps. The view taken by both the Courts below concurrently and the evaluation of the rules exercised in holding that the inquiry, which had led to award of minor punishment of pay being reduced to the minimum time scale of the pay for a period of one year without cumulative effect suffers from a fundamental legal flaw and want of proper opportunity of proving innocence. The Courts have reached the conclusion that the suit deserves to be decreed after appreciating the evidence on record, the provision of law breached and there is no failure in doing so which may warrant intervention in second appeal. In any case, the punishment is such that the increment is restored after the period of

punishment runs over and, therefore, the State cannot be viewed as a person aggrieved by the setting aside of the order. This appeal is more or less a search for the stamp of court.

Consequently, I find that no substantial question of law is involved in this appeal for interpretation and thus interference within the jurisdiction of Section 100 of the Code of Civil Procedure or Section 41 of the Punjab Courts Act, 1918 is not warranted. Accordingly, the appeal is dismissed.

19.01.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>