

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

RSA No.1002 of 1995
Date of Decision: 5.5.2017

Punjab State and another ... Appellants

Versus

Mohinder Partap Sharma ... Respondents

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

Present: Mr.Anil Sharma, Addl.A.G., Punjab for the appellants

Mr.Ganweshwar Walia, Advocate for the respondent

RAJIV NARAIN RAINA, J. (Oral)

1. The entire controversy before the courts below was regarding the perversity of an order stopping two increments of the respondent temporarily. The order was passed on 5th April, 1991. By the year 1993, the increments would have stood restored by efflux of time with the currency of the punishment running out and giving right to restitution of arrears of increments to the plaintiff. It has been recorded in the interim order of this Court that the amount due has already been paid since there was no stay.

2. Mr. Ganweshwar Walia, learned counsel for the petitioner submits that the total financial impact of the litigation is only ₹ 800. To save this petty amount, the State of Punjab with all its might has filed this regular second appeal in the year 1995 for setting aside the decree. In the show cause notice dated 10th May, 1990, it was mentioned that by following Rule 10 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, minor punishment was to be inflicted upon the plaintiff on which choice the learned lower appellate court remarked, was an action

taken with a pre-determined mind of punishing the plaintiff with the penalty of a minor character. To reach this conclusion, the learned court below relied on M.L.Gera, Sub Divisional Officer, PWD vs. The Chief Engineer (D), Irrigation Works Punjab and others, 1973 (1) SLR 1076. Having read the judgment of single bench I would say that the appellate Judge was not wide of the mark. The findings of the courts below are proper appreciation of the case and the appeal is without substance.

3. Moreover, this is a perverse and frivolous appeal presented by the State of Punjab which shows an utterly casual approach in litigation filed in an irresponsible manner for which the plaintiff respondent has to be compensated for being compelled to litigate in two Courts below and lastly face second appeal before the third Court which has been pending since 1993 at considerable expense to the plaintiff who was a low salaried employee. I find no error of reasoning or any infirmity in the impugned judgments and decrees passed by the courts below against the State and in favour of the plaintiff respondent.

4. For the foregoing reasons, this appeal fails and is dismissed. The respondent deserves to be compensated with an amount of ₹ 25,000/- to be paid by the State of Punjab. It shall be paid within two months.

(RAJIV NARAIN RAINA)
JUDGE

5.5.2017
MFK

Whether speaking/reasoned

Yes

Whether Reportable

No