

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

RSA No. 2439 of 2010 (O&M)
Date of decision : September 18, 2017

Karnail Singh

..... Appellant

v.

Senior Regional Manager, FCI and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. V Ramswaropp, Advocate
for the appellant.

Mr. Ish Puneet Singh, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant challenging the punishment imposed upon him.

Charge against the appellant was to the following effect :-

“ That the said Shri Karnail Singh, AG.II(D) while working in RO, Punjab, Chandigarh failed to abide by the conduct Regulations in as much as he addressed a rally of Kisans before RO, Punjab Chandigarh on 24.10.1985 and incited them against the Regional Management by casting aspersions, wild insinuations and levelling unwarranted and unwanted allegations.”

The Inquiry Officer found the appellant guilty and the punishing Authority ordered his dismissal from service. In appeal, the punishment was reduced to that of reduction in rank from AGII to AGIII(D)

with a further rider that he would not be entitled for promotion for a period of five years. He filed a review where bar of promotion was further reduced to two years. Before both the Courts below, the case of the appellant was that though he had addressed the rally yet he had not made any comments against the management. Both the Courts below held that the job of the Court is not to sit in an appeal but is to see that procedural fairness has been followed and on this seminal account they have held the appellant disentitled.

Counsel for the appellant has not been able to show as to how the finding that the inquiry was fair can be said to be vitiated. Consequently, finding no merit in this appeal, the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 18, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No