

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

207

**RSA-3137-2012 (O&M)
Date of Decision: 7.12.2017**

LAKHA SINGH

....APPELLANT

VS

**SECRETARY STATE TRANSPORT PUNJAB, CHANDIGARH AND
OTHERS**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Padamkant Dwivedi , Advocate
for the appellant.

Mr. H.S.Sitta, AAG, Punjab.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant.

Brief facts of the case are that the appellant had challenged eleven punishment orders (by which his increments were stopped). He had made omnibus allegation that no enquiry had been hold before passing of the punishment orders against him. However, when he appeared in evidence he accepted that in all cases chargesheets were issued, reply filed and he was given opportunity to examine the witnesses and thereafter, show cause notices were issued to which reply had also been filed. It was in this situation that both the Courts below held that the Civil Court is only to adjudicate whether the procedure as laid down as per law has been followed and once that was shown to have been followed, the suit of the appellant could not succeed. Learned counsel for the appellant has argued that if the Courts below had gone into

individual orders passed they would have definitely come to the conclusion that the appellant had been illegally treated.

Learned Assistant Advocate General on the other hand has argued that the basic issue before the Civil Courts is always related to following of the procedure and the individual demerits of punishment order have to be first challenged in appeal. In the present suit, out of eleven punishment orders, in 10 cases appellant did not file any appeal and only in one case he filed appeal which was rejected.

In the circumstances, it cannot be said that the conclusion drawn by the Courts below is so palpably perverse or erroneous so as to justify interference in the second appellate jurisdiction of this Court.

Consequently, the appeal stands dismissed.

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

7.12.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No