

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

R.S.A. No.1030 of 2014 (O & M)
Date of Decision: 9.11.2017

STATE GOVT. OF PUNJAB AND OTHERS

....APPELLANTS

VS

PRABH DAYAL GABHA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. H.S. Sitta, A.A.G., Punjab
for the appellants.

Mr. Naresh Prabhakar, Advocate
for respondent.

AJAY TEWARI, J.(Oral)

C.M.No.2378-C of 2014

This is an application for condonation of delay of 09 days in
filing the present regular second appeal.

For the reasons recorded in the application, the same is
allowed and delay of 09 days in filing the present regular second appeal
is condoned.

Main Case

This appeal has been filed against the concurrent judgements
of the Courts below whereby the disciplinary proceedings have been
quashed and the punishment awarded to the respondent for recovery of
Rs.4,70,000/- odd has been set aside.

Learned Assistant Advocate General has argued that in this case the Enquiry Officer had exonerated the respondent vide order dated 2.6.1990 and matter had been referred to the punishing authority who had disagreed and passed the punishment order. His short argument is that even it is accepted that there was a legal infirmity, it was incumbent upon the Courts below to have remanded the matter back for a fresh decision from the stage of the illegality but could not have set aside the entire proceedings. Mr.Parbhakar is not in a position to deny this but has argued that the matter relates to the year 1980 and the respondent has now long since superannuated and in these circumstances, the order of the Courts below cannot be taken to be incorrect. This argument of the counsel cannot be accepted. In the circumstances the punishment order is set aside and the matter is remanded back to the Disciplinary Authority to reconsider the report of the Enquiry Authority and then take further action in accordance with law. Let the final order be now passed within a period of the three months from the date of receipt of the certified copy of this order subject to the respondent co-operating.

The appeal stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

09.11.2017

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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No