

RSA No. 5568 of 2016 (O&M)

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

RSA No. 5568 of 2016 (O&M)
Date of decision : October 10, 2017

Amarjit Singh

..... Appellant

v.

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sudhir Kumar, Advocate
for the appellant.

Mr. HS Sitta, AAG Punjab

Ajay Tewari, J (Oral)

C.M No.14572-C of 2016

For the reasons recorded, this application is allowed and delay
of 30 days in refiling the appeal is condoned.

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

The appellant had filed a very interesting suit. He had prayed
for a declaration that he was entitled to pay fixation on the basis of length of
his service as if he had been successfully earning all increments as and
when they became due. In the plaint, the only averment made was that his
pay had not been correctly fixed and he had not been conveyed any orders
either stopping his annual increments or the reason for his non-fixation of

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pay. Both the Courts below found that the appellant had been imposed the punishments and before imposition thereof, notice and hearing had been given to him and regular inquiry held but the appellant never challenged those orders either in appeal or revision and even in the present suit no challenge was made to the punishment orders. Both the Courts below held that the relief claimed by the appellant could not be granted to him and dismissed the suit.

Counsel for the appellant has argued that the basic defect in the punishing order was that no show cause notice was issued to the appellant by the punishing Authority after the submission of the inquiry report. However, neither this was pleaded nor proved by the appellant. In the circumstances, no fault can be found with the judgments of the Courts below. Consequently, this appeal is dismissed.

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

October 10, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No