

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

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**RSA-2313-2014 (O&M)
Date of Decision: 11.12.2017**

ASHWANI KUMAR

....APPELLANT

VS

**PEPSU ROAD TRANSPORT CORPORATION, PATIALA AND
OTHERS**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ajay Pal Singh, Advocate
for the appellant.

None for the respondents.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant. The appellant filed a simple suit claiming that he had completed 24 years of service but many of his increments (including those to be granted to him on completion of 8, 16 and 24 years service) had been withheld without any reason and praying for a declaration that he is entitled to get correctly fixed pay after the grant of his regular increments. In the written statement, the respondents denied his claim and stated that during his service he was chargsheeted many times, punished many times, censured many time and suspended many times. They further pleaded that because of his unsatisfactorily service record he was disentitled to the promotional increments which were due on the completion of 8, 16 and 24 years service respectively.

The most important fact is that the appellant did not file any replication. Thus, no challenge was made by him to the manner of passing the various punishment orders. In their evidence, the respondents placed on record copies of various punishment orders which had been passed against the appellant. The Courts below dismissed the suit holding that the appellant had not been able to prove that his increments were illegally denied. Learned counsel has argued that as a matter of fact neither the principles of natural justice nor the provisions of the Service Rules were followed when all those punishment orders were passed and since the respondents did not prove these facts the suit should have been decreed. In my opinion, this argument cannot prevail. Once the appellant did not file replication to the written statement in which various punishments were detailed, the only conclusion was that he had no grievance against the manner in which those punishment orders were passed. Had the appellant filed a replication and averred therein that he had never been associated with any proceeding before passing of punishment orders, it would have been incumbent upon the respondents to prove that those orders were passed after observing the principles of natural justice and in accordance with the service rules.

Resultantly, no fault can be found in the judgments of the Courts below. The appeal stands dismissed.

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

11.12.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No