

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

RSA No. 3505 of 2014 (O&M)
Date of decision : September 21, 2017

HC Gurwant Singh

..... Appellant

v.

Government of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SS Majithia, Advocate
for the appellant.

Mr. HS Sitta, AAG Punjab

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the lower appellate Court allowing the appeal filed by the respondents and thereby dismissing the suit filed by the appellant.

Brief facts are that the appellant was working as a Head Constable when his wife complained that he had gone out of the house and was living with another woman. A preliminary inquiry was conducted and finding adequate material to proceed against him a regular inquiry was ordered. Upon conclusion thereof, he was issued a show cause notice and thereafter punishment of forfeiture of one year service with permanent effect was imposed upon him by an order dated 30.11.1996. He filed an appeal which was time barred but the Appellate Authority held that it had heard him personally and came to the conclusion that he had been rightly

punished. It further noticed that though the appeal was badly time barred, it was still decided on merits. The appellant further filed an appeal before the Director General of Police which having been dismissed and his further remedies also having been dismissed, he filed the instant suit.

The trial Court held that the inquiry file disclosed that it was not conducted fairly and consequently decreed the suit. The State filed an appeal and the lower appellate Court noticed that when the appellant had appeared as a witness he admitted that he used to appear in the inquiry and full opportunities were afforded to him to lead evidence, list of witnesses was submitted to him and a show cause notice was served upon him to which he filed a reply. In these circumstances, the lower appellate Court held that the judicial review could only be to the process and the Court could not sit in appeal over the findings of the departmental authorities. On the basis of the testimony of the appellant, the lower appellate Court held that the procedural aspects were satisfied and consequently allowed the appeal. I do not see any reason to take a different view. Consequently, this appeal is dismissed.

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

September 21, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No