

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

RSA No. 4619 of 2014 (O&M)
Date of decision : September 21, 2017

Jagbir Singh

..... Appellant

v.

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S Rana, Advocate
for the appellant.

Dr. Sushil Gautam, DAG Haryana

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 of the appellant.

The appellant was working as a helper mechanic with the Haryana Roadways when an FIR was lodged against him and two other persons in regard to the allegations that he had changed a radiator of a government bus with that of a private bus. On one side criminal proceedings were initiated and on the other regular inquiry was also conducted. He was acquitted in the criminal proceedings but by an order dated 9.2.2001 he was dismissed from service by the competent authority after regular inquiry. He challenged this dismissal after more than 9½ years by filing the instant civil suit on 17.9.2010. The trial Court held that

once he had been acquitted by the criminal Court, his dismissal order had to go but the lower appellate Court rightly held that the mere fact that the appellant was acquitted in criminal proceedings would not give rise to the conclusion that disciplinary proceedings against him also had to be vitiated. It also found that the appellant had not appeared before the Inquiry Officer despite the fact that various notices and even special messengers were dispatched to his official address and it was reported that he was not living there. The lower appellate Court further noticed that a departmental appeal filed by the appellant had been dismissed by the Transport Commissioner Haryana on 30.1.2003 and the appellant had not challenged that order. On a consideration of these facts, the lower appellate Court allowed the appeal filed by the respondents.

I see no ground 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.

(AJAY TEWARI)
JUDGE

September 21, 2017
'kk'

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No