

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

208

RSA-6497-2014

Decided on : 3.10.2017

RAVINDER SINGH

....APPELLANT

VS

STATE OF PUNJAB & ORS

...RESPONDENT

Present: Mr. S.S.Gurna, Advocate
for the appellant.

Mr. H.S.Sitta, AAG, Punjab.

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

AJAY TEWARI, J.(Oral)

This appeal has been filed against the judgment/order of the Lower Appellate Court reversing that of the trial Court thereby dismissing the suit filed by the appellant.

The appellant had challenged the punishment order by filing a suit. The Trial Court decreed the suit on various grounds including that punishment had been imposed without following the due process of law. In the appeal filed by the respondents the appellate Court reversed the decision on the ground that appellant had not issued notice under Section 80 of the CPC .Before me the counsel has argued that alongwith the plaint an application under Section 80(2) CPC has been filed and, by not challenging the continuation of the suit, the respondents would be deemed to have waived that objections. The Assistant Advocate General however has argued that apart from this also the dismissal of the appeal is justified. As per him, Courts exercise the power of the

judicial review to examine the process and not as an appellate authority.

In the present case, a chargesheet was issued to the appellant with the allegation that he had caned 17 girls students of Class-V on 30.1.2005. The appellant admitted his action and in view thereof minor penalty was imposed. Thus the procedural safeguards were followed. Moreover, the appellant did not file an appeal against the punishment order and consequently could not be heard to rake up all these arguments during the exercise of judicial review. Once the appellant has confessed to having caned young girls of Class-V there is no good reason to further entertain this case.

The appeal stands dismissed.

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

3.10.2017
anuradha

(AJAY TEWARI)
JUDGE

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