

**109 RA-77-C-2017 in
RSA-4948-2012**

Gian Chand Vs. G.M. Haryana Roadways and others

Present:- Mr. Rajesh Kumar Moudgil, Advocate,
for the applicant-appellant.

CM-11497-C-2017

Heard.

For the reasons mentioned therein, the application is allowed.

Delay of 765 days in filing the application for review of the order dated 10.07.2015, is hereby condoned.

RA-77-C-2017

Present application is for reviewing of order dated 10.07.2015, passed by this Court.

Learned counsel for the applicant-appellant submits that the charge-sheet was issued to him on the wrong premises that loss of ₹4,05,000/- was caused to the department.

In paragraph No.3 of the judgment dated 18.11.2011, passed by the Civil Judge (Jr. Divn.), Panipat, it has been observed that the charge-sheet was issued to the appellant on the ground that he was found guilty of rash and negligent driving of his bus bearing no.HRU-3293, vide order dated 13.10.1995, passed by the MACT, Kurukshetra. Due to rash and negligent driving of the appellant, the department has suffered a loss of ₹4,05,000/-. After receiving the charge-sheet, the appellant never submitted his reply before the competent authority and thereafter, the enquiry officer was appointed. Enquiry officer submitted his report dated 29.06.2001 vide which the appellant was found guilty and thereafter a show cause notice

dated 09.07.2001 was also issued to him. The appellant was given opportunity for personal hearing on 23.05.2005, however, he did not file any written representation. Thereafter, the punishing authority passed the impugned order dated 09.06.2005 whereby two increments with cumulative effects were stopped.

Another ground taken by the learned counsel for the applicant is that in the criminal trial, the finding has been recorded by the trial Court that the acquittal order was passed on the ground that neither complainant nor material witness appeared before the Court.

After hearing the learned counsel for the applicant, going through the judgment passed by the trial Court, this Court is of the considered view that the present applicant-appellant was given opportunity to file his written statement to the charge-sheet and show cause notice but he has chosen not to file any reply, therefore, the impugned order, imposing the punishment of two increments with cumulative effects, does not suffer from any procedural lapse on the part of the enquiry officer.

In view of above, no ground for reviewing the order dated 10.07.2015 is made out, therefore, the present application is hereby dismissed.

(RITU BAHRI)
JUDGE

September 19, 2017
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