

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

CWP No.17997 of 2012 (O&M)

Date of decision: 16.03.2018

Surjit Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.P. Vashisht, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner(s) seek(s) issuance of a writ in the nature of certiorari for quashing the impugned order dated 27.07.2009 (Annexure P-1) passed by respondent No.2 and order dated 15.09.2010 (Annexure P-4) passed by respondent No.1, vide which two annual increments have been stopped with future effect.

It is contended that the petitioner retired as Driver on 31.01.2011. During his service, FIR No.11, under Sections 279, 337, 338, 427 and 304-A of IPC was registered against him but he was acquitted of the charges, vide judgment dated 10.11.2008. However, in a claim petition filed by the claimant(s), learned court of MACT, Hoshiarpur had awarded Rs.1,85,000/- in favour of the claimant(s) along with interest @ 9% p.a., from the date of filing the claim petition till its realization. It is further submitted that since the petitioner has been acquitted of the

charges, therefore, the impugned order 27.07.2009 (Annexure P-1) and order dated 15.09.2010 (Annexure P-4) are liable to be set aside. In support of his contentions, learned counsel cites **Kulwant Singh Driver Vs. Municipal Corporation, Amritsar and another**, 2011(3) RCR (Civil) 552, **Sampuran Singh Vs. State of Punjab and another**, 2009(3) SCT 137 and **Bhag Singh Vs. Punjab & Sind Bank**, 2006(1) SCT 175.

On the other hand, learned State counsel refers to the judgment passed by this Court in CWP-12064-1994 dated 21.12.2013 to contend that though the petitioner has been acquitted in the criminal case, however, the decision of Criminal Court is not binding on the Civil Court. Therefore, the competent authority has rightly passed the impugned order dated 27.07.2009 (Annexure P-1) and order dated 15.09.2010 (Annexure P-4), whereby two annual increments of the petitioner were ordered to be stopped.

Heard, learned counsel for the parties and perused the record.

The petitioner is aggrieved against the punishment of stoppage of two annual increments with future effect on account of Award dated 18.03.2004, passed by the competent Court in favour of the claimants, whereby an amount of Rs.1,85,000/- along with interest @ 9% was awarded in favour of the claimants. During the departmental enquiry, opportunity of personal hearing was afforded to the petitioner by the respondents, however, finding prima facie material against him, two annual increments with future effect were ordered to be stopped. As per Award, the liability to make the payment of award should be joint and

several of the respondents. As per para 15 of the reply filed by the respondents, the Government has decided not to recover the compensation from the driver/petitioner involved in the accident. The respondents had already taken a lenient view against the petitioner by depositing the award amount before the competent Court, therefore, this Court finds no illegality or infirmity in the impugned orders dated 27.07.2009 (Annexure P-1) and order dated 15.09.2010 (Annexure P-4).

Accordingly, the instant petition is dismissed.

16.03.2018

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(JITENDRA CHAUHAN)
JUDGE

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