

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 30.10.2018****CWP No.24712 of 2015**

Nirdesh Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. G.S.Wasu, Addl. AG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner while driving Haryana Roadways bus bearing No.HR68-0643 from Chandigarh to Zirakpur was involved in an accident leading to death of a motor-cyclist, namely, Ajit Pal on 31.08.2006. An FIR was registered in this regard against the petitioner. However, the trial ended in acquittal vide judgment dated 03.10.2008, as the guilt could not be brought home.

Parallel to the criminal trial, a charge-sheet was also issued to the petitioner containing two charges i.e. 'for negligent driving' and 'for not informing the office of the accident'. The petitioner was associated with the regular enquiry and was given opportunity to defend his case. However, the report went against the petitioner. The report was supplied to the delinquent for his objections by way of show cause notice. After considering the reply to the notice, the Punishing Authority imposed minor penalty of stoppage of two annual increments without cumulative effect. The petitioner preferred

an appeal before the Appellate Authority, which was dismissed on 08.05.2014 by the Additional Transport Commissioner. The petitioner has approached this Court against the penalty order.

No one appeared for the petitioner on the last date of hearing i.e. 05.02.2018. Today also no one has entered appearance for the petitioner. No request for pass-over is made, leaving no option, but to hear Mr. Wasu for the State of Haryana and to go through the file with his assistance.

Keeping in view the fact that minor punishment has been awarded, interference is not called for in the choice of penalty, which is in the domain of the Punishing Authority. Failure to inform about the accident to his Department is serious enough misdemeanour to sustain the award of minor penalty. There is no apparent infirmity in the enquiry proceedings. The principles of natural justice were complied with. Thus, I see no reason to interfere in the matter and would dismiss the petition. No costs.

30.10.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No