

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

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**RSA-3190-2013(O&M)
Date of decision:03.05.2018**

Kashmir Singh

... Appellant

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Mr. RBS Chahal, Addl. A.G. Punjab.

P.B. BAJANTHRI, J. (ORAL)

In the instant appeal, appellant has assailed trial as well as appellate courts' judgments dated 24.09.2010 and 18.02.2013.

2. Appellant was working as a Conductor in Punjab Roadways, Amritsar-I. He had not issued tickets to the passengers. Consequently, he alleged to have embezzled respondent-Roadways money. In this regard he was placed under suspension. Consequently, disciplinary proceedings were launched against him and it was concluded in imposing the penalty of stoppage of two annual increment with cumulative effect. Appellate authority affirmed the decision of the disciplinary authority on 24.10.2006. Appellant filed a suit before the trial court. Trial court dismissed the suit. Thereafter, appellate court dismissed the appeal of the appellant. Hence the

present appeal.

3. Learned counsel for the appellant submitted that courts below have not appreciated relating to holding of inquiry. It was submitted that appellant was not given opportunity and there is violation of rules and provisions of law. He has also pointed out that there is error in mentioning the date of occurrence as well as amount of embezzlement. Both the issues have not been appreciated by the courts below. Therefore, trial as well as appellate courts' judgments are liable to be set aside.

4. Per contra, learned counsel for the respondent submitted that ample opportunity had been granted to the appellant in the disciplinary proceedings. There is a clerical error in respect of mentioning the date of incident. Instead of 26.12.2001 it was mentioned as 20.12.2001. Similarly instead of Rs.51/- it has been mentioned as Rs.541/-. Therefore, there is no infirmity in the trial and appellate courts' judgments.

5. Heard the learned counsel for the parties.

6. Appellant's contention is that there is violation of principle of natural justice and violation of rules or provisions of law. Very vague contentions are urged and it is not supported by any particular instance i.e. at what point of time the respondents had denied principle of natural justice and which of the rule or provision had been violated by the disciplinary authority or inquiring officer. In other words, vague contentions cannot be accepted. Insofar as error in mentioning the date and amount is concerned, it is only clerical error as held by the appellate court. Therefore there is no infirmity in the judgments of the trial as well as appellate courts dated

24.09.2010 and 18.02.2013. Accordingly, appellant has not made out a case so as to interfere with the judgments of the trial as well as appellate courts.

7. Appeal stands dismissed.

03.05.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No