

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

LPA No.901 of 2017 (O&M)

Date of Decision: 21.08.2018

Jai Inder Pal Rana

....Appellant

Versus

The New India Assurance Company Ltd. and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Sanjay Majithia, Senior Advocate assisted by
Mr. Inderjeet Singh, Advocate for the appellant.

Mr. Ashwani Talwar, Advocate and
Mr. Akshay Bansal, Advocate for respondent Nos.1 to 4/Ins. Co.

MAHESH GROVER, J. (Oral)

CM-3437-LPA-2018

Allowed as prayed for.

MAIN CASE

The grievance of the appellant is that respondent No.5 had levelled allegations against him of assault, which was inquired into by the police which found him innocent. Subsequent thereto, private complaint under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was filed by respondent No.5, where also the appellant, after facing the trial, was acquitted and the judgment was upheld by this Court, when challenged by the complainant.

The appellant had been placed under suspension for a long time of five years with the enquiry not seeing its logical end, which he raised as a grievance through writ proceedings. This Court intervened to direct his reinstatement, after considering the official respondents' plea that

the enquiry was being delayed only on account of the non-cooperation of the appellant. A time bound instruction was given to the official respondents to conclude the enquiry proceedings.

Learned Counsel for the Insurance Company states that even in the enquiry, no allegations of any abuse of respondent No.5 has been established specifically but a finding has been recorded that the appellant had misbehaved in the Office.

Learned Counsel for the appellant contends that once the appellant had been acquitted of the charges against him after trial, there would be no occasion to initiate any disciplinary proceedings against him.

We are afraid, such a plea cannot be accepted as even after the acquittal, the employer could have a right to initiate disciplinary proceedings. That apart, the appellant has missed the bus. When he challenged the suspension and the enquiry proceedings, he should have persisted with this plea at that stage assuming that there was substance in it. In any case, now since the enquiry has been concluded, the appellant would have remedy to even question the findings of the enquiry if the respondents choose to proceed against him on its basis.

Learned Counsel for the Insurance Company has stated that they will indeed give an opportunity of being heard to the appellant if they decide to proceed against him on the basis of enquiry.

In view of above, we are of the opinion that no further orders are required in the present appeal, but leave the appellant to his remedies if any process is initiated by the Department. We make it clear that the respondent-Insurance Company shall afford an opportunity of hearing to the appellant, in

case, they decide to proceed ahead on the basis of the enquiry. Likewise, the appellant would be at liberty to question the findings of the enquiry in accordance with law. Nothing, that we have said, should be construed to be an expression on the merits of the controversy.

Disposed of in the above terms.

(MAHESH GROVER)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

August 21, 2018
Gagan

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>