

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.851 of 2018

Date of decision: July 18, 2018

Shiv Shankar Bhagat

.....Appellant

Versus

Punjab and Haryana High Court, Chandigarh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Vivek K. Thakur Advocate for the appellant.

A.B. CHAUDHARI, J.

Heard learned counsel for the appellant for some time. We have perused the judgment and reasons recorded by the learned single judge. Having regard to the Supreme Court judgment cited in the impugned judgment, writ petition was not entertained looking to the parameters laid down by the Apex Court in the matter of examination of cases related to departmental enquiries and the findings recorded therein. The appellant was punished by withholding of one increment for one year without cumulative effect. Since, learned counsel for the appellant insisted that learned Single Judge on facts has not recorded any finding about the correctness of the inquiry report, we have gone through the enquiry report and find a clear cut finding has been recorded by the Enquiry Officer, which is based on material namely evidence of PW-1-Jaspaljit Singh. We quote the following portion from the enquiry report:-

“PW1 Sh. Jaspaljit Singh, who is a retired Superintendent Grade-I has stated that the delinquent official has not disclosed whether he had out up the same note on

20.05.2010 on which his explanation had been called by the then Deputy Registrar Judicial. This witnesses further stated that he has seen the explanation of the delinquent official dated 22.05.2010 on 01.02.2013 only and the same was not in his knowledge earlier, it is thus established that the delinquent official while putting up his two notes in two different dates on 22.05.2010 and 28.05.2010 had removed the noting dated 20.05.2010 from the case file and being the custodian of the case file had put the note dated 20.05.2010 in the file thereafter as now both the notings form part of the judicial record. A perusal of Ex. DX 2/1, which is a computer generated Grade I, shows that cases bearing Cr. Misc. No. 67821, 68869 and 67823-M of 2006 were given to the delinquent official by the Record Assistant on 05.05.2010, no evidence has come on record.”

Perusal of the above said para clearly shows that the appellant was rightly found guilty. There is no reason why PW1-Jaspaljit Singh deposed against appellant. The finding is based on evidence which is not shown to be perverse.

In the result, we do not find any reason to interfere with the impugned judgment and order.

Accordingly, the Appeal is dismissed.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

July 18, 2018
anju rani

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