

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

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**RSA-1379-2017(O&M)
Date of decision:01.05.2018**

Vijay Kumar Bhatt

... Appellant

Versus

Punjab State Electricity Board and others

.... Respondents

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

Present: Mr. Kapil Kakkar, for the appellant.

P.B. BAJANTHRI, J. (ORAL)

In the instant appeal, appellant has questioned the validity of the trial as well as appellate courts' orders dated 22.04.2013 and 20.07.2016. Appellant while working with the respondent-Board he had committed certain misdeeds for which he was subjected to disciplinary proceedings. Undisputedly, petitioner remain ex-parte in the inquiry. The Inquiring Officer has recorded that appellant had shown his interest to question the validity of the inquiry proceedings before the court of law. Neither he has taken necessary legal remedies against inquiry proceedings nor he was present in the disciplinary proceedings. Thus, Inquiry Officer proceeded to hold ex-parte inquiry. Disciplinary authority imposed the penalty on 19.08.2003 to the extent of recovery of Rs.59,797.15/-, period from 1.04.1995 to 21.01.1997 has been treated as non-duty period and further from 22.01.1997 to 13.07.1999 has been treated to be leave due to the appellant. Appellant has not exhausted the remedy of appeal against the

disciplinary authority's order dated 19.08.2003. For the first time he filed a civil suit questioning the validity of the disciplinary authority's order and further sought for other relief on 24.10.2007. Thus, there is delay on the part of the appellant in filing the suit also. Once the appellant has taken a decision to remain ex-parte he cannot question the validity of the inquiry proceedings to contend that relevant documents have not been taken into consideration and so also there is no appreciation.

2. In view of these facts and circumstances, rightly trial and appellate courts have rejected the appellant's grievance. Thus, appellant has not made out a case so as to interfere with the trial and appellate courts judgments dated 22.04.2013 and 20.07.2016. Accordingly, appeal stands dismissed.

01.05.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No