

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

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Regular Second Appeal No.6198 of 2018 (O&M)
Date of Decision: November 21st, 2018

State of Punjab through Secretary, Ministry of Transport, Punjab,
Chandigarh and others

...Appellants

Versus

Satnam Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kanisth Ganeriwala, Assistant Advocate General, Punjab,
for the applicants-appellants/State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in CM No.17351-C of 2018 is for condonation of delay
of 427 days in filing the Regular Second Appeal.

The reason as assigned by the applicants for this inordinate delay in filing the appeal is with regard to the fact that there has been various litigations pending and because of which the delay has occurred. What is astonishing to note is that the file went missing and it was after seven months, the same was found behind the *almirah* of the law section. The applicants have been totally negligent and there has been no explanation whatsoever, especially in the light of the fact that nothing has been mentioned as to what action has been taken against the erring officials. That apart, with regard to the appeal also, which has been preferred by the State, this Court does not find any illegality in the findings recorded by the Lower Appellate Court much less any question of law arising therein. It is an admitted position that the respondent, who was a Government employee, had preferred a suit for permanent injunction challenging the order of punishment imposed by the appellants, whereby four increments with cumulative effect were stopped after the inquiry. What has been held by the Lower Appellate Court is that the Inquiry Officer had not applied its

independent mind and no independent evidence has been led against the respondent in the inquiry except for the award of the Motor Accidents Claims Tribunal and the opinion of the Legal Assistant. Neither the Conductor, any of the passengers, complaint or eyewitnesses were examined to establish the negligence on the part of the respondent. The Court has, therefore, proceeded to hold that the inquiry does not fulfill the mandate of the statutory rules and the principles of natural justice, which mandate an opportunity to be given to the employee to defend himself much less in the light of the fact that there was no evidence, which would substantiate the negligence on the part of the respondent.

In view of the above, the present appeal is dismissed being barred by limitation as also on merits.

In the light of the dismissal of the appeal, the application for stay i.e. CM No.17352-CI of 2018, stands disposed of as infructuous.

November 21st, 2018
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No