

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 16.03.2021

1 LPA No.289 of 2021 (O&M)

Yuvraj Jaiswar Appellant

versus

State of Punjab & ors. Respondents

2 **LPA No.290 of 2021 (O&M)**

Ambika Appellant

versus

State of Punjab & ors. Respondents

3 LPA No.291 of 2021 (O&M)

Narinderjit Kaur Appellant

versus

State of Punjab & ors. Respondents

4 **LPA No.292 of 2021 (O&M)**

Aarti Sharma Appellant

versus

State of Punjab & ors. Respondents

5 LPA No.295 of 2021 (O&M)

Jaspreet Singh Appellant

versus

State of Punjab & ors. Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sukhandeep Singh, Advocate for the appellant/s.

AJAY TEWARI, J. (Oral)

1 This order shall dispose of above mentioned five appeals.

For the sake of convenience the facts are being taken from **LPA No.289 of 2021.**

2 These appeals have been filed against the judgment and order dated 25.01.2021 of the learned Single Judge whereby these petitions were dismissed on two grounds; firstly, that disputed questions of facts were raised and secondly, that the impugned action was merely a charge-sheet and therefore the appellant/s could well reply to the charge-sheet and the Inquiry Officer would consider all the issues.

3 Before us the counsel for the appellant/s has vehemently argued that there are some issues which have no factual controversy to them. For instance no posting order of the concerned appellant is there for Mahal Complex at all and consequently the finding of the learned Single Judge which is a one-size-fits-all finding is not correct. However, he is not in a position to deny that each and every contention which the appellants have raised in these appeals could well be looked at and examined by the Inquiry Officer because there both parties would be permitted to lead evidence. The appellant/s would be permitted to lead evidence to show that they were not posted at the complex in question, by for instance, showing the attendance sheets etc. of the place where they were actually posted or other material and, vice versa the respondents

could also lead evidence to show that they were infact posted at the places where the alleged negligence took place.

4 In these circumstances, we see no reason to interfere. Consequently, the appeals are dismissed.

5 Since the main cases have been dismissed, the pending Misc. Applications, if any, also stand dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

16.03.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No