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

**CR-6179-2022(O&M)
Date of decision: 23.12.2022**

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ORS.

..... PETITIONERS

VS

RANDHIR SINGH

..... RESPONDENT

CORAM : HON'BLE MR.JUSTICE ALOK JAIN

Present :- Mr. Anil Chawla, Advocate for the petitioners.

ALOK JAIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 22.07.2022 (Annexure P-1) passed by the Additional District Judge, Charkhi Dadri, whereby the appeal of the plaintiff seeking interim injunction has been allowed.

Learned counsel for the petitioners has vehemently argued that the trial Court had passed the detailed order by considering all the facts, however, the Appellate Court has reversed the same on surmises and conjectures.

A perusal of the order passed by the Appellate Court after considering the matter and recording that, triable issues are raised, which needs investigation and decision on merits and holding that prima facie case exists in favour of the plaintiff-respondent and the balance of convenience is also towards the plaintiff-respondent, the petitioner/electricity department has

been rightly restrained from recovering the penalty amount during the pendency of the suit. Hence there is no infirmity in the impugned order and the present petition lacks merits.

Learned counsel for the petitioners has submitted that in the alternative the Appellate Court be directed to dispose of the present suit expeditiously, at the stage.

The said prayer also cannot be acceded to, as the perusal of the record shows that the petitioner department itself took 1 year 8 months to issue charge sheet that too after retirement of the respondent/ plaintiff and subsequently despite filling the reply to the said charge sheet 01.01.2018, the petitioners imposed the penalty on 31.01.2020, and it was only on dismissal of the appeal, the suit was filed in the year 2020. Hence no ground to pass any such direction.

In view of the above, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

23.12.2022

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