

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

RSA-2194 of 1990 (O&M)

Date of Order:03.11.2023

Jagat Singh (Deceased) through LRs**.Appellant****Versus****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Ms. Neha Jain, Advocate
for the appellant.****Mr. Vikas Arora, AAG, Punjab****ANIL KSHETARPAL, J**

1. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of decree of declaration that the order dated 19.06.1984, passed by the Headmaster of the Government High School while terminating his services is illegal.

2. As per the case of the respondent (State of Punjab), the appellant was never granted the leave but he absented himself from 09.09.1982 onwards. The appellant did apply for the sanction of leave but it was never sanctioned to him. Thereafter, he also applied for extension which was also rejected because the leave was never sanctioned. The State of Punjab repeatedly wrote letters to the appellant to join the service, however, he did not come forward to join. Ultimately, after holding the departmental inquiry, the services of the appellant were terminated in the year 1984. The plaintiff filed a suit claiming that he came back in the year 1986, but he was not permitted to join.

3. Both the courts on appreciation of the evidence have recorded the concurrent findings of fact that the plaintiff wilfully absented from his duty for nearly 4 years. After an inquiry, its report was sought to be served on the appellant and for that purpose a show cause notice was issued in the newspaper. Thereafter, local proclamation was also carried out.

4, The learned counsel representing the appellant contends that no disciplinary inquiry was held against the appellant. On a court question, the the learned counsel representing the appellant admits that before the courts below, the appellant has stated that the inquiry report has been fictitiously prepared in order to prove his termination after holding the departmental inquiry. Both the courts on appreciation of the evidence have found that the inquiry was held. In regular second appeal, the appellant cannot be permitted to take a new ground. Moreover, the plaintiff never summoned either the inquiry file or the inquiry report while leading his evidence to establish the fact that inquiry was never held and a fictitious inquiry report was filed.

5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

November 03, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO