

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 2158 of 1992****Date of Decision: 19.10.2023**

Joginder Singh

... Appellant(s)

Versus

Pepsu Road Transport Corporation, Patiala and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Tushaar Madaan, Advocate
for the appellant(s).Mr. Anil Kumar, Advocate
for the respondents.**Anil Kshetarpal, J.**

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. In this second appeal, the correctness of the concurrent findings of facts, arrived at by both the Courts below, is challenged by the plaintiff.

3. The plaintiff was dismissed from service on account of the embezzlement of the amount as he issued already sold tickets to the passengers as new tickets while working as a Conductor. After domestic inquiry, a show cause notice was issued and ultimately, the Depot Manager passed the order, however, he was not the appointing authority. Ultimately, a

fresh inquiry was ordered by the General Manager on the same charge sheet

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in which it was reported that the charges against the appellant are proved. Subsequently, another show cause notice was issued by the General Manager and thereafter, the order dated 10.02.1989 was passed. The correctness of the aforesaid order was challenged by the appellant in the civil suit which was dismissed. The aforesaid judgment has been affirmed in appeal by the First Appellate Court.

4. The learned counsel representing the appellant has failed to draw the attention of the Court to any misreading or non-reading of the substantive evidence or any perversity in the judgments passed by both the Courts below.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

(Anil Kshetarpal)
Judge

October 19, 2023**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No