

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2313 of 1992 (O&M)
Date of Order: 29.08.2023

Dayal Singh

.Appellant

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. R.S.Randhawa, Advocate
for the appellant.**

Mr. Ajit Singh Natt, AAG, Punjab

ANIL KSHETARPAL, J

1. The correctness of the findings of fact arrived at by the First Appellate Court is assailed in this second appeal by the plaintiff.

2. The relevant facts, in brief, are that the plaintiffs's services were dispensed with during the period of his probation. The trial court decreed the suit, however, the First Appellate Court found that the plaintiff was appointed on a temporary basis and he was on probation when his services were dispensed with and therefore, the judgment and decree passed by the trial court was set aside.

3. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book as well as the requisitioned record.

4. The learned counsel representing the appellant while referring to the report dated 30.09.1987, submitted by two Inspectors, who constituted checking staff submits that the appellant's services should not have been dispensed with on the ground of misconduct without giving opportunity of

hearing to the appellant.

5. This court has considered the submissions of the learned counsel representing the appellant.

6. On 29.09.1987, the checking staff signalled the plaintiff, who was driving the roadways bus No.PJG-1602 to stop, however, he deliberately did not stop the bus in connivance with the conductor of the bus. When this fact was brought to the notice of the appointing authority (General Manager, Punjab Roadways), he ordered dispensing with the services of the plaintiff. The order passed is not stigmatic order. Moreover, the plaintiff has neither produced his appointment letter nor produced any service rules or regulations or instructions providing security of service to the employees of the Punjab Roadways. Moreover, the services were dispensed with in the year 1987. The appellant is likely to have attained the age of superannuation. Even the appellant has not disclosed his date of appointment either in the plaint or in his evidence.

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

8. Dismissed.

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

August 29, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO