

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2360 of 1992(O&M)

Date of Order:15.09.2023

Bikker Singh**.Appellant****Versus****State of Punjab and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Rupinder Khosla, Sr. Advocate, with
Ms. Shreya Singla, Advocate
for the appellant.**

Mr. Vikas Arora, AAG, Punjab**ANIL KSHETARPAL, J**

1. The concurrent findings of fact arrived at by the courts below is challenged in this regular second appeal.
2. Both the courts have dismissed the plaintiff's suit while upholding the punishment of recovery of Rs.3508/- with stoppage of two annual increment with cumulative effect.
3. It has been noticed that both the courts remained under wrong impression that the punishment of stoppage of two annual increments with cumulative effect is a minor punishment.
4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book
5. In view of the judgment passed by the Supreme Court in **Kulwant Singh Gill vs. The State of Punjab, 1991 (Supl.) SCC 504**, the stoppage of two annual increments with cumulative effect is a major penalty and it could not be imposed without holding domestic inquiry as envisaged in the Punjab Civil Service (Punishment And Appeal) Rules, 1970. To this

extent the judgment passed by the courts below are erroneous.

6. Since, more than 38 years have elapsed, therefore, it would not be appropriate to direct the State to hold a fresh inquiry particularly when the appellant(plaintiff) should have attained the age of superannuation.

7. Keeping in view the aforesaid facts and discussion, the order of punishment is modified and it is held that the punishment of stoppage of two annual increments with cumulative effect shall not be with cumulative effect. The State of Punjab is requested to re-work the pensionary benefits and released to the appellant.

8. Disposed of accordingly.

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

September 15, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO