

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

RSA-1588 of 1991(O&M)

Date of Order:03.10.2023

Ram Sarup**.Appellant****Versus****Haryana State****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Munish Jolly, Advocate, for the appellant.
Ms. Vibha Tewari, AAG, Haryana.**

ANIL KSHETARPAL, J

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this regular second appeal.
2. The plaintiff was punished vide an order dated 08.12.1980 by stopping his three increments with cumulative effect on account of his absence for a period of more than 2 years. The departmental appeal filed by the appellant was dismissed on 01.07.1982, which led to filing of the civil suit.
3. Both the courts, as already noticed, have concurrently held that there is no error in the order of punishment.
4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.
5. The learned counsel representing the appellant submits that the judgments passed by the courts below are not sustainable as the stoppage of three increments with cumulative effect is a major punishment and the same could not be ordered in absence of regular departmental inquiry.
6. On the other hand, the learned counsel representing the State of

Haryana submits that previously the services of the employees were governed by the Punjab Civil Services (Punishment and Appeals)Rules, 1970 and the withholding of increment of pay was a minor punishment. She further submits that the State of Haryana notified its own rules i.e. The Haryana Civil Services (Punishment and Appeal)Rules, 1987 and the punishment of withholding of increments of pay with cumulative effect for the first time was brought under the heading “Major Penalties” vide amendment notified on 19.11.1992. She drawn the attention of the Court to the following notifications:-

“2. In the Haryana Civil Services (Punishment and Appeal) Rules, 1987, in rule 4, in sub-rule (1).--

(i) Under heading “Minor Penalties”, for clause (v), the following clause shall be substituted, namely:-

“(v) withholding of increment of pay without cumulative effect,”

(ii) under heading “Major Penalties”, the following clause shall be inserted, namely:-

“(v-a) withholding of increments of pay with cumulative effect, ”.”

7. Keeping in view the aforesaid facts, the learned counsel representing the appellant fairly submits that at the relevant time, the rules of 1970 were applicable.

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

9. Dismissed.

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

October 03, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO