

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

(121)

RSA-784-2023 (O&M)

Date of Decision : March 22, 2023

Tarinder Singh Grewal

.. Appellant

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shreesh Kakkar, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present Regular Second Appeal, the challenge is to the judgment and decree of the lower Appellate Court dated 29.11.2022 by which the appeal filed against the judgment and decree dated 24.07.2015 of the trial Court has been dismissed.

Learned counsel for the appellant has raised only one argument that the dissenting note given by the punishing authority to the report of the enquiry officer is not a speaking order, hence, the said dissenting note could not have been taken into account while imposing the punishment, which assertion of the appellant has not been considered by the Courts below in the correct perspective.

It may be noticed that the punishing authority is to pass an order after due satisfaction that the charges alleged against the delinquent are proved. It is also a conceded fact before this Court that in the present case, a dissenting note given by the punishing authority to the report of the enquiry officer was served upon the appellant. Once, the reasons were given in the dissenting note and the appellant was given opportunity to

represent against those reasons and the punishment was imposed in the present case after duly considering the reply filed by the appellant to the dissenting note, the findings of the Courts below that the Civil Court is not to sit in appeal over the decision of a punishing authority in the departmental proceedings, needs no interference by this Court in the present appeal.

The only jurisdiction with the Courts is where the punishment has been imposed without there being any evidence on record. In the present case, it has been conceded by the learned counsel for the appellant that the evidence had come on record, though it is being stated that the same was not sufficient for imposing the punishment. The sufficiency or inadequacy of the evidence is to be decided by the punishing authority and not by the Courts. Once, the procedure envisaged under law was followed and no argument has been raised qua any procedural lack, it cannot be said that the findings recorded by the Courts below are perverse to the facts or evidence on record.

No other argument was raised.

Keeping in view the above, no ground is made out for any interference by this Court in the present Regular Second Appeal.

Dismissed.

CM-2945-C-2023

As the main appeal has been dismissed, present application also stands dismissed.

March 22, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No