

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1025 of 1995 (O&M)

Date of Order: 04.12.2023

Mehar Singh**.Appellant****Versus****Haryana Land Reclamation & Development Corporation****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. R.S.Longia, Advocate
for the appellant.

Mr. Ajay Chauhan, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. In this regular second appeal the correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff.
2. His suit for grant of decree of declaration to the effect that the order dismissing him from service is illegal, null and void has been dismissed by both the courts below.
3. At the relevant time, the appellant was posted as a Tractor Operator at Mohindergarh. He was chargesheeted by the Managing Director of the respondent-Corporation on as many as nine charges. The Inquiry officer was appointed and the appellant gave his statement of defence. The Inquiry Officer found that three charges out of nine as contained in the memorandum of charges have been proved against the appellant which resulted in misconduct. It was found that there is a variation in the reading of the tractor trip sheet and the actual reading apart from the shortage of fuel i.e. diesel. He also remained absent for a period of 4 days.

4. Both the courts on appreciation of the evidence dismissed the suit.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the appellant contends that the order passed by the disciplinary authority is a result of the non application of mind as the order does not refer to the charges. He further submits that while holding the departmental inquiry against the appellant, the principles of natural justice were not followed as he was not supplied the copies of the relevant documents.

7. The learned counsel representing the respondent-Corporation has produced a copy of the order passed while terminating his service on 21.11.1983. In the aforesaid order, the disciplinary authority has referred to the chargesheet, report of the Inquiry Officer, show cause notice issued to the appellant and the reply filed by the appellant.

8. The disciplinary authority is not required to possess a judicially trained mind for drafting judgments akin to those passed by Courts. Instead, their responsibility involves examining the inquiry report and the delinquent employee's explanation. Hence, it is not appropriate to hold that the impugned order passed by the Managing Director is a result of not applying the judicial mind.

9. The next submission of the learned counsel representing the appellant does not have substance because it is proved on the file that the appellant was granted an opportunity to inspect the record containing all the relevant documents. Once the offer has been made to inspect the documents, there is a sufficient compliance of principles of natural justice.

Moreover, the appellant first approached the Labour Court but subsequently withdrew and then filed the civil suit. Furthermore, he is out of service for the last 41 years.

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

11. Dismissed, accordingly.

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

December 04, 2023
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(ANIL KSHETARPAL)
JUDGE

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