

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

RSA No.1112 of 1995 (O&M)

Date of Order: 06.12.2023

The State of Punjab and another**.Appellants****Versus****Sh. Kashmir Singh****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Vikas Arora, AAG, Punjab**

**Ms. Navroop Jawanda, Advocate
for the respondent.**

ANIL KSHETARPAL, J

1. The State of Punjab (defendant) assails the correctness of the judgment and decree passed by the First Appellate Court on 22.11.1994.
2. The trial court dismissed the plaintiff's suit (respondent herein) on 20.05.1992, which in appeal was reversed by the First Appellate Court.
3. The plaintiff filed a suit for grant of decree of declaration to the effect that the order dated 11.06.1990, passed by the General Manager, Punjab Roadways, while terminating the plaintiff's service and forfeiture of pay over and above the amount of subsistence allowance for the period of suspension is illegal, wrong, biased and arbitrary.
4. The trial court dismissed the suit, however the First Appellate Court found that the plaintiff, who was working as a driver had handed over the bus to drive to the then conductor Sh. Gurmit Singh. When Sh. Gurmit Singh was driving the vehicle, it met with an accident. The disciplinary proceedings were initiated against the respondent and the Inquiry Officer reported that the charges against the respondent could not be proved.

5. The disciplinary authority without recording any reason ordered *de-novo* inquiry. The First Appellate Court held that the aforesaid decision of the disciplinary authority was not in accordance with the rules as *de-novo* inquiry cannot be ordered without recording the appropriate reasons for the same. In the criminal trial, the respondent was acquitted.

6. It has been brought to the notice of the court that the regular second appeal was dismissed, however, the Supreme Court vide judgment dated 02.09.1996, requested the high court to re-admit the appeal and dispose it of on merits.

7. The learned counsel representing the appellants (State of Punjab) admits that in view of the judgment passed in *Karnail Singh (Kanungo Agrarian) vs. The State of Punjab, 1992(1) RSJ 231*, the *de-novo* inquiry on the same charges is not permissible. The rules do not provide for *de-novo* inquiry into the charges without assigning sufficient reasons for doing the same. He submits that he is not in a position to point out any error in the judgment of the First Appellate Court.

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.

December 06, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO