

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

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2023:PHHC:160515

RSA-776-1995

Date of decision: 14.12.2023

STATE OF PUNJAB & ANR.

..Appellants

Versus

SUKHDEV SINGH RANDHAWA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Arora, AAG, Punjab.

Mr. Rajesh Sehgal, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the Courts below while decreeing plaintiff's suit and setting aside the order of penalty by stoppage of two annual increments with cumulative effect has been assailed by the State. It is the case set up by the appellant that he had applied for grant of leave from 15.02.1980 to 13.06.1980, which was sanctioned to him, however, the respondent did not report back on duty. Defendants (appellants) while contesting the suit have contended that the respondent after availing the leave sanctioned to him from 15.02.1980 to 13.06.1980, did not report back on duty and repeated letters were written to the plaintiff to join the service. It has come on record that the respondent submitted his joining report on 20.04.1983, which was not accepted by the appellants. Ultimately, the respondent rejoined on 23.12.1985. The government nominated an inquiry officer to look into the entire matter. After examining the oral and documentary evidences the inquiry officer has concluded that the charges against the respondent are not proved. The disciplinary authority without

recording any disagreement note, forwarded the report of the inquiry officer while proposing to pass an order of penalty.

2. Thus, the respondent did not get opportunity to furnish his explanation because, he was never made aware of the reasons for such disagreement which weighed with the disciplinary authority. Hence, both the Courts decreed the suit.

3. The learned counsel representing the appellants has failed to prove any substantive error in the concurrent findings of the fact arrived at by the Courts below.

4. Hence, no ground to interfere is made out.

5. Dismissed accordingly.

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

December 14th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*