

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 458 of 1997 (O&M)

Date of Decision: 06.10.2023

Constable Ravinder Singh

... Appellant(s)

Versus

Haryana State

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Naveen Daryal, Advocate
for the petitioner(s).

Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondent.

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. The correctness of the concurrent findings of facts, arrived at by both the Courts below, is assailed in this second appeal filed by the plaintiff.

3. The plaintiff's suit for decree of declaration that the order stopping his two increments with permanent effect and he is entitled to all the allowances during the suspension period has been dismissed by both the Courts below. The appellant was and is a member of the disciplined force.

At the relevant time, he was on the escort duty with the Deputy Inspector

General of Police, Haryana, during his visit to Delhi. At India Gate, he held

the hand of Ms. Kumleena. She alleged that the appellant was teasing her. The appellant was beaten up with footwears by another female, namely Ms. Veena, who was present there. On these charges, not only an FIR was registered against the appellant, but even the departmental proceedings were also initiated. The inquiry report went against the appellant. Ultimately, a show cause notice was issued. However, before any punishment order was to be passed, the matter was kept in abeyance for some time. Again, a fresh show cause notice was issued proposing imposition of punishment of five increments with cumulative effect. After the receipt of a reply, ultimately, the Disciplinary Authority ordered stoppage of two increments with permanent effect. This order was upheld in appeal. Both the Courts below have also upheld the aforesaid orders.

4. The learned counsel representing the appellant contends that in a criminal case, the appellant was acquitted, therefore, the order of punishment passed by the Disciplinary Authority is not sustainable.

5. This Court has considered the submissions. In the domestic inquiry, the standard of proofs is not at par with the criminal case. Moreover, the strict rules of evidence are not applicable to the domestic inquiry. Moreover, the scope of interference by the Court in such matters is limited particularly when the two Courts have already upheld the order of punishment.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

October 06, 2023

“DK”

(Anil Kshetarpal)
Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No