

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CM-4486-C-2016 in/&

RSA-1621-2016

Date of Decision : May 31, 2023

Bhupinder Singh

.. Appellant

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arya, Advocate, for the appellant.

Mr. Gurpreet Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-4486-C-2016

Present application has been filed for condonation of delay of 213 days in filing the appeal.

Notice of the application was given to the counsel opposite. No reply has been filed by the State controverting the same.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit coupled with the fact that State has not opposed the said application by taking any objection, the application is allowed and delay of 213 days in filing the appeal is condoned.

RSA-1621-2016

1. Learned counsel for the appellant argues that there are

concurrent findings recorded by the Courts below qua the relief claimed by the appellant-plaintiff in the suit against the appellant-plaintiff but the Courts below have not considered the evidence which has come on record in correct perspective.

2. Learned counsel for the appellant has argued that the punishment of stoppage of one increment with cumulative effect though is a minor punishment but in the facts and circumstances of the present case, the charges have been wrongly proved against the appellant in the disciplinary proceedings especially when the lady in question, whose earrings were snatched, never made a complaint to the police.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. Though, the Courts are not required to go into the adequacy of the evidence which has come in the departmental proceedings but it may be noticed that in the present case, the allegation is that the appellant was present at the site when the earrings of the lady were snatched but he failed to take any action despite being a police official. Under these circumstances, the minor punishment of stoppage of one increment has been imposed upon him and that too after proving the allegations in the departmental proceedings.

5. The endeavour of the learned counsel for the appellant is to re-argue the case so as to convince the Court to arrive at a different conclusion than the one arrived by the Courts below.

6. In the regular second appeal, the perversity is to be seen in the judgments keeping in view the evidence and facts which have come on

record and learned counsel for the appellant has not been able to point out

even a single perversity in the judgments and decrees of the Courts below.

7. No other point was argued.

8. As, learned counsel for the appellant has not been able to point out any perversity in the judgments of the Courts below so as to seek any intervention by this Court in the present regular second appeal, no ground is made out for any interference by this Court in the present regular second appeal and the same is accordingly dismissed.

May 31, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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