

RSA-3644-2015 (O&M)

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2023:PHHC:070692

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-8922-C-2015 &
CM-8923-C-2015 in/&
RSA-3644-2015 (O&M)
Date of Decision :16.05.2023

State of Haryana through Collector, Hisar
and others

...Appellants

Versus

Ram Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Vibha Tewari, AAG, Haryana.
for the applicant-State.

Mr. Jitender K. Sehrawat, Advocate for respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-8922-C-2015

The present application has been filed for condonation of delay
of 148 days in filing the present appeal.

Notice of the application was issued to the respondent and reply
to the application was filed by the respondent.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, the application is allowed. Delay of 148
days in filing the present appeal is condoned.

RSA-3644-2015

1. Present regular second appeal has been filed against the
judgment and decree of the lower Appellate Court dated 28.11.2014 by

which, judgment and decree of the trial Court dated 02.03.2012 has been set aside and the suit filed by the respondent-plaintiff has been allowed.

2. Learned counsel for the appellant-State argues that the only grievance qua the relief granted to the respondent-plaintiff by the lower Appellate Court is that once the order of punishment has been set aside on the basis of the technicalities that enquiry report was not given to the respondent-plaintiff before the imposition of punishment, it was incumbent upon the lower Appellate Court to remand the case back to the authorities concerned for initiating the proceedings from the stage where the irregularity crept in hence, the judgment and decree of the lower Appellate Court needs to be modified to the said extent.

3. Learned counsel for the respondent-plaintiff raises no objection for the grant of said liberty to the appellant-State

4. Keeping in view the facts mentioned hereinbefore, the judgment and decree of the lower Appellate Court is upheld qua the setting aside of the impugned order but liberty is granted to the appellant-State to restart the disciplinary proceedings from the stage where the irregularity crept in i.e. at the stage of supplying enquiry report to the respondent-plaintiff for his comments.

5. Present regular second appeal and pending civil miscellaneous applications are disposed of in above terms.

May 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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