

CM-375-C-2023;
CM-374-C-2023 in/and
RSA No. 108 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CM-375-C-2023;
CM-374-C-2023 in/and
RSA No. 108 of 2023
Date of Decision : 16.02.2023

Jasbir Singh

...Appellant

Versus

The Punjab State Power Corporation Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhishek Khullar, Advocate for the appellant.

Harsimran Singh Sethi J. (Oral)

CM-375-C-2023

Present application has been filed seeking condonation of delay of 72 days in filing the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed and delay of 72 days in filing the appeal is condoned.

CM-374-C-2023

Application is allowed, as prayed for.

RSA-108-2023

Learned counsel for the appellant-plaintiff submits that in the civil suit, not only the order of punishment was challenged but even the order dated 21.08.2015 passed in appeal was challenged on the ground that

the same has not been passed by the competent authority and in the similar facts and circumstances, where the same authority had passed an order in appeal against another employee, namely, Swaran Singh, the said order was withdrawn by the respondent-Corporation with liberty to pass a fresh order hence, the courts below have not considered the challenge of the appellant-plaintiff qua the order dated 21.08.2015 in correct perspective as the findings recorded are contrary to their own undertaking given in CWP No. 9825 of 2021 titled as ***Swaran Singh Vs. The Punjab State Power Corporation Limited and others***, decided on 04.05.2022.

Notice of motion.

Mr. Alok Mittal, Advocate, appears in Court and accepts notice on behalf of the respondent-Corporation.

Learned counsel for the respondent-Corporation submits that there is a difference in the facts of present case as compared to the undertaking recorded on behalf of the respondent-Corporation in ***Swaran Singh's case (supra)***. Learned counsel for the respondent-Corporation further submits that in the present case, the order dated 21.08.2015 by which, the appeal of the appellant-plaintiff was decided even recites the order passed by the appellate authority as the said decree of the appellate authority was conveyed by the Joint Secretary Technical by the impugned order whereas in the case of ***Swaran Singh's case (supra)***, the order was passed by the same officer, who had passed the order of punishment, though with the approval of the higher authorities, which changes the complexion of the case.

Learned counsel for the appellant-plaintiff has not been able to

dispute the fact that the order passed by the appellate authority has been reproduced in the order dated 21.08.2015, which was conveyed to him, which clearly shows that the order has been passed by the appellate authority in the appeal and not by the officer, who was conveying the said order. Hence, there is no perversity in the findings of the courts below qua the facts as well as evidence on record.

No other point was raised in the present appeal.

Keeping in view the above, as no perversity has been pointed out by the learned counsel for the appellant-plaintiff in the judgments of the courts below qua the facts or the evidence, no ground is made out for interference by this Court in the present regular second appeal and the same is accordingly dismissed.

February 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No