



RSA-3932-2002 (O&M)

-1-

826

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

**RSA-3932-2002 (O&M)
Date of Decision: 19.12.2024**

State of Haryana and others

.....Appellants

Vs.

Ved Parkash

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, Assistant Advocate General, Haryana,
for the appellants.

Mr. Mani Ram Verma, Advocate,
for the respondent.

SUDEEPTI SHARMA J. (ORAL)

1. The State of Haryana has preferred the present appeal against the judgment and decree dated 16.08.2001 passed by the learned Civil Judge (Junior Division), Hisar, and judgment and decree dated 13.05.2002 passed by the learned Additional District Judge, Hisar.

2. The brief facts of the case are that the respondent while on posting as Forester in Charkhi Dadri in Aravali Project from October 1991 to 1994, was ordered to get executed advance earth work in 100 hectares by District Forest Officer, Aravali Project Charkhi Dadri. However, during checking, it was found that work was executed only on 73 hectares, whereas, the payment was made for 100 hectares. On these allegations, the respondent was charge-sheeted under Rule 7 of the Punjab Civil Services

**RSA-3932-2002 (O&M)**

-2-

(Punishment and Appeal) Rules, 1970, and after conducting inquiry and issuing show cause notice, the respondent was reverted, vide order dated 20.01.1997 and further, amount of Rs.1,26,200/- was also ordered to be recovered from the respondent. The respondent filed a civil suit challenging the said order of reversion dated 20.01.1997. The civil suit filed by the respondent was decreed, vide judgment and decree dated 16.08.2001, in his favour. The State of Haryana filed an appeal against the said judgment and decree dated 16.08.2001, which was dismissed, vide judgment and decree dated 13.05.2002. Hence, the present appeal.

3. Learned State counsel for the appellants contends that the learned trial Court decreed the civil suit in favour of the respondent on the ground that the inquiry was not conducted by adopting the correct procedure and for that, the matter should have been remanded to the department concerned to decide the same afresh.

4. Learned counsel for the respondent, on the other hand, submits that the civil suit filed by the respondent has rightly been decreed in favour of the respondent and the appeal filed by the State of Haryana has rightly been dismissed by taking into consideration the evidence on record. Therefore, the present appeal be also dismissed. He further submits that the State of Haryana preferred the present Regular Second Appeal and there was no stay in favour of the State of Haryana. Therefore, the respondent has retired from the same post and all the pensionary benefits have already been granted to him, therefore, as on date, nothing survives in the present appeal.

**RSA-3932-2002 (O&M)**

-3-

5. I have heard learned counsel for the parties and perused the whole record of the case.

6. A perusal of the record shows that the civil suit filed by the respondent was decreed in his favour, vide judgment and decree dated 16.08.2001 and the appeal filed by the State of Haryana against the judgment and decree dated 16.08.2001 was dismissed, vide judgment and decree dated 13.05.2002. In the present Regular Second Appeal, no stay was granted in favour of the State of Haryana and the respondent continued to work on the same post since the reversion order dated 20.01.1997 was set aside by the learned trial Court. Further, the respondent has already retired and received all the pensionary benefits as well. Since the present appeal pertains to the year 2002 and the respondent has retired and received all the pensionary benefits, therefore, there is no requirement/necessity of deciding it on merits. Hence, the present appeal is dismissed as having been rendered infructuous.

7. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

19.12.2024

Virrendra

Whether speaking/non-speaking : Yes
Whether reportable : Yes/No