

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

RSA-1891-1993 (O&M)
Date of Decision :18.04.2024

State of Punjab and another ... Appellants

Versus

Darshan SinghRespondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Ahuja, DAG, Punjab for appellant-State.

Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Present regular second appeal has been filed by the appellant-State of Punjab against the judgment and decree of the lower Appellate Court dated 08.01.1993 by which, punishment imposed upon the respondent-plaintiff vide order dated 20.07.1988 qua the stoppage of two increments with cumulative effect has been set aside.

2. Learned counsel for the appellant-State submits that lower Appellate Court has wrongly set aside the well reasoned judgment and decree of the trial Court dated 28.05.1992 in which, all the facts and evidence, which had come on record, have rightly been appreciated and it has been held that enquiry was conducted in perfectly valid manner. Learned counsel for the appellant-State further submits that once, the enquiry was already conducted by the department, the punishment imposed upon the respondent-plaintiff should not have been interfered with by the lower Appellate Court.

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

4. It may be noticed that in the present regular second appeal, factual aspects cannot be appreciated again and only the perversity, if any, in the findings are to be seen. Lower Appellate Court in the present case already held that enquiry officer did not find the respondent-plaintiff guilty of the misappropriation but found him guilty of negligence. Further, it has been held that the manner in which the enquiry proceedings were held, was not correct as the allegations alleged upon the respondent-plaintiff were not corroborated by the witnesses, who appeared especially, that the cash in hand of the respondent-plaintiff, who was working as conductor was not matched with the ticket being held by him at the relevant time. Once, on the basis of the evidence, an order has been passed and no perversity has been shown to this Court that the findings recorded by the lower Appellate Court are perverse to the evidence on record, no ground for interference by this Court is made out.

5. Even otherwise, punishment upon the respondent-plaintiff was imposed in the year 1988 and present regular second appeal was filed in year 1993 hence, 32 years have elapsed since then and the respondent must have retired by now and it is also not known whether the respondent is alive or not.

6. Keeping in view the facts and circumstances recorded hereinbefore as no perversity in the findings recorded by the lower Appellate Court has been pointed out by the learned counsel for the appellant-State, present regular second appeal is dismissed.

7. Civil miscellaneous application pending, if any is also disposed of.

April 18, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No