

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(227)

RSA-2190-1993
Date of decision:- 05.02.2024

State of Punjab and others

... Appellants

Versus

Roshan Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Athar Ahmed, DAG, Punjab.

None for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Defendants-appellants are in second appeal before this Court challenging the concurrent finding of fact recorded by both the Courts below.
2. Brief facts may be noticed. Roshan Lal, plaintiff-respondent, was working as a Conductor when he was placed under suspension vide order dated 23.06.1988 on the basis of a complaint. A charge-sheet dated 04.07.1988 was issued to him on the allegation that he had not signed on the rear of the unused tickets and that he had committed a fraud by not issuing tickets worth Rs.35/- to the bus passengers. Reply submitted by him was found to be unsatisfactory and an enquiry officer was appointed, who submitted his report. A show cause notice dated 27.07.1989 was issued to the plaintiff-respondent to which he submitted his reply. Punishment order dated 01.09.1989 was passed, whereby three annual increments were stopped and the remaining pay for the suspension period was forfeited. Plaintiff-respondent filed a suit for declaring the said order as illegal, ultravires etc. as well as for consequential relief.

3. Upon notice, suit was contested by filing a written statement. It was submitted by the defendants-appellants that copy of the complaint was supplied to the plaintiff-respondent, full opportunity was afforded to him and procedure as prescribed under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 was followed before imposing the punishment.
4. On the basis of pleadings of the parties, issues were framed and after the parties led evidence, Trial Court by judgment and decree dated 28.03.1992, declared punishment order as illegal and held that the plaintiff-respondent is entitled to all the consequential benefits. First appeal, preferred by the defendants-appellants, was dismissed by the Lower Appellate Court by judgment dated 14.05.1993. Hence the second appeal.
5. I have heard the State counsel and examined the record with his able assistance.
6. The sole ground on which both the Courts below have decreed the suit is that the defendants have been unable to show any instructions, guidelines or statutory provisions that require a Conductor to affix his signature on the back of unused tickets. Even before this Court, the State counsel has not been able to substantiate the stand by referring to any material.
7. In view of the above, this Court is of the view that there is no illegality or perversity in the judgments and decrees passed by both the Courts below, which deserve to be upheld.
8. Finding no merit in the appeal, it is hereby dismissed with no order as to costs.

05.02.2024

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No