

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

RSA-2354-1993 (O&M)
Date of Decision :19.04.2024

State of Punjab and another

...Appellants

Versus

Ram Kishan

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Rahul Bansal, Advocate for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present regular second appeal, challenge is to the judgment and decree of the Courts below by which, claim of the respondent-plaintiff qua order dated 05.08.1987 by which, six increments of the respondent-plaintiff were stopped with cumulative effect, has been accepted and the said punishment imposed upon the respondent-plaintiff has been set aside.

2. On being asked to point out any perversity in the judgment and decree of the Courts below, learned counsel for the appellant-State submits that allegations alleged against the respondent-plaintiff, who was working as conductor with the appellant-State of Punjab was that he committed fraud of

Rs.07/- by issuing less tickets to the passengers, who were travelling from Jalandhar to Sirhind on 12.12.1986 hence, the judgment and decree of the Courts below are perverse as the findings have already been recorded in the disciplinary proceedings initiated against the respondent-plaintiff qua misappropriation and hence, the Courts should not have interfered with the said findings.

3. It may be noticed that present regular second appeal was filed in the year 1993 hence, 31 years have elapsed since then and there was no interim order passed in the present appeal and respondent-plaintiff must have retired by now and must be getting pensionary benefits.

4. Further, the Courts below have recorded a finding that no details of the passengers, who were not given tickets despite charging money from them was mentioned either in the report of the Investigator, who had checked the bus in question or in the disciplinary proceedings, which were initiated against the respondent-plaintiff or before the Court below and further cash in hand was not checked so as to find out as to whether there was any misappropriation on the part of the respondent-plaintiff or not. Once, a concurrent finding has been recorded by the Courts below, in the present regular second appeal this Court will not like to upset the same especially, when respondent-plaintiff must be retired by now and must have getting pension in case, he is still alive as the learned counsel for the respondent-plaintiff submits that he is not in touch with his client since long.

5. Keeping in view the facts and circumstances recorded hereinbefore as no perversity in the judgment and decree of the Courts

below has been pointed out by the learned counsel for the appellant-State,
present regular second appeal is dismissed.

April 19, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No