

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2563 of 1993(O&M)
Date of Order:23.01.2024

Charanjit Singh (since deceased) through LRs

.Appellant

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Gauri C. Kaushal, Advocate,
for Mr. Anurag Chopra, Advocate
for the appellant.

Mr. Gurpreet Singh, Addl.A.G., Punjab.

ANIL KSHETARPAL, J

C.M.No.58-C-2024

1. For the reasons mentioned in the application, which is supported by the affidavit, the delay of 82 days in filing the application is condoned.

2. CM stands disposed of.

C.M.No.59-C-2024

3. For the reasons stated in the application, the appeal is re-admitted for hearing and the order dated 17.08.2023, dismissing the appeal in default is recalled. With the consent of the learned counsel representing the appellant, taken on board for the final disposal.

4. CM stands disposed of.

MAIN

5. In this regular second appeal, the plaintiff filed the suit for grant of decree of declaration that the order dated 19.01.1987, dispensing his

services is illegal, null and void. The trial court decreed his suit but the first appellate court reversed the same.

6. Admittedly, the plaintiff was appointed as a Patwari on ad hoc basis. He was suspended from service on 13.01.1987, due to registration of a criminal case under the Prevention of Corruption Act. His services were dispensed with by passing a un-stigmatic order on 19.01.1987. He filed the suit on 10.11.1989, to challenge the aforesaid order. Though, the trial court decreed the suit while presuming that the services of the plaintiff has been dispensed with on account of misconduct which was not permissible without domestic inquiry, however, the first appellate court held that the order does not attach any stigma and is a simpliciter order of dispensing with the services of an ad hoc employee.

7. It becomes necessary to note that the appellant was subsequently convicted in a corruption case. This appeal has come up for hearing after a period of 31 years. He has never remained in service from the year 1987. In ordinary course, he would have attained the age of superannuation. Furthermore, the learned counsel representing the appellant admits that there is a simpliciter order passed dispensing his service. The learned counsel representing the appellant though made a sincere attempt to convince this court that the order has been passed as a measure of punishment on account of misconduct, however, except the order of suspension of the appellant, there is no other material to substantiate the aforesaid averment. The first appellate court on appreciation of the evidence has drawn conclusion which does not suffer from any material irregularity or perversity.

8. Keeping in view the aforesaid facts and discussion, no ground

to interfere is made out.

9. Dismissed accordingly.
10. All the pending miscellaneous applications, if any, are also disposed of.

January 23, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO