

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

2024:PHHC:000233

RSA-841-1993

Date of decision: 04.01.2024

BALRAJ SINGH (DECEASED) THROUGH LRS. ..Appellant

Versus

STATE OF PUNJAB ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Giri, Advocate
for Mr. Anurag Chopra, Advocate
for the appellant.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent finding of the fact arrived at by the Courts below is assailed by the plaintiff in this regular second appeal. At the relevant time, the appellant was working as a Conductor.

2. On 28.10.1985, during checking of the bus, five passengers were found travelling in the bus without ticket, though the appellant had collected the fare amount from them. The appellant was served with a charge-sheet containing the following charges:-

*“a) The plaintiff was charged on four counts namely mis-appropriating a sum of Rs.11.50Ps;
b) Consumption of liquor on duty;
c) Did not allow the advance booking at Shershahwali Chowk and
d) Mis-behaved with the conductor of bus No.1637 and stopped the bus at Jalalabad instead of taking the same to the station of destination i.e. Fazilka.”*

3. After holding a regular inquiry, the inquiry officer reported that the charges against the appellant were proved. The disciplinary authority issued show a cause notice to the appellant. After considering the reply submitted by the appellant and granting him an opportunity of hearing, the appellant was dismissed from service. He filed a suit for grant of decree of

declaration that the dismissal order passed by the disciplinary authority is wrong and perverse.

4. Both the Courts on appreciation of evidence have found that the procedure as prescribed in the service rules has been followed while conducting the departmental inquiry.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with the requisitioned record, which is available in the digital form.

6. The learned counsel representing the appellant though made a sincere attempt, however, failed to draw the attention of the Court to any serious infirmity or perversity in the concurrent judgments of the Courts below.

7. Hence, no ground to interfere with the concurrent finding of the fact, is made out

8. Dismissed accordingly.

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

January 04th, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No