

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:000650
RSA-1365-1994
Date of decision: 05.01.2024

STATE OF PUNJAB & ANR. ..Appellants
Versus
BHUPINDER SINGH ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
Present: Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the State of Punjab (defendant) challenges the correctness of the judgment passed by the First Appellate Court, which in turn reversed the judgment and decree passed by the trial Court.
2. The respondent filed a suit for grant of decree of declaration that the order dated 05.06.1989, passed by the Secretary, Rural Development and Panchayat Department vide which two minor penalties, one for recovery of Rs.13,183/- and another censuring him is illegal, null and void.
3. The respondent's service appeal was also dismissed. Though, the trial Court dismissed the suit, however, the First Appellate Court has held that the order is not sustainable as it was passed without considering the reply filed by the respondent. Even the Appellate Authority passed a cryptic one line order. The learned counsel representing the appellant admits that with the passage of time, no substance is left in the appeal because the respondent by now would have retired from the service.
4. In view of the aforesaid facts, the present appeal is disposed of.
5. All the pending miscellaneous applications, if any, are also disposed of.

January 05th, 2024 (ANIL KSHETARPAL)
Ay JUDGE
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No