

RSA-2357-1994

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:-01.04.2024

PUNJAB STATE THR. COLLECTOR, GURDASPUR & ANR.
...APPELLANTS

VERSUS

PIARA SINGH
...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Chaudhary, DAG, Punjab.

Respondent proceeded ex-parte vide order dated 30.05.1995.

SUVIR SEHGAL, J.

1. State-defendants are in second appeal before this Court challenging the judgments and decrees passed by both the Courts below.
2. Plaintiff-respondent, who was working as a Conductor with the Punjab Roadways Depot, Pathankot, and was governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, (for short “the Rules”) filed a civil suit for declaring six different punishment orders as null and void on various grounds. Upon notice, defendants filed the written statement, wherein various preliminary objections including that of limitation were taken. Suit was contested on merits and a stand was taken that the

punishment orders have been passed after complying with the procedure contemplated under the Rules.

3. Issues were framed on the basis of the pleadings of the parties and after they led evidence, Trial Court by judgment and decree dated 12.01.1991 partly accepted the suit, three punishment orders were set aside and the defendants were directed to release the arrears of salary to the plaintiff. Upon appeal preferred by the defendants, learned Additional District Judge, Gurdaspur, by judgment dated 02.03.1994 found that challenge to punishment orders dated 07.12.1972 and 07.04.1978 was barred by limitation as the civil suit was instituted on 25.10.1989. However, insofar as the third punishment order dated 29.02.1988 was concerned, the First Appellate Court came to the conclusion that the same deserves to be set aside to the extent salary due to the plaintiff during the suspension period had been withheld. This judgment is under challenge in the instant appeal.

4. I have heard the State counsel and examined the record with his able assistance.

5. The First Appellate Court came to the conclusion that dual punishment had been imposed upon the plaintiff. On one hand, he was given punishment of censure and on the other hand, salary for the suspension period had been with-held. Following the judgment of this Court in **Narinder Nath and another Versus The State of Punjab 1991 (3) RSJ 630**, the First Appellate Court returned a finding that dual punitive action was not contemplated under the Rules. Therefore, order dated 29.02.1988 was set aside to the extent the salary for the suspension period, had been with-held.

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This Court does not find any reason to interfere with the judgment passed by the First Appellate Court, which deserves to be upheld.

6. Finding no merit in the appeal, it is hereby dismissed with no order as to costs.

7. Pending application(s), if any, shall stand disposed of.

01.04.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No