

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

RSA-2219-1995 (O & M)
Date of decision:09.02.2024

STATE OF PUNJAB & ANR. ... APPELLANTS

VS.

SURINDER KUMAR ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Athar Ahmed, DAG, Punjab,
for the appellants.

None for the respondent.

SUVIR SEHGAL J. (ORAL)

1. State-defendants are in second appeal before this Court challenging the concurrent finding of fact recorded by both the Courts below.
2. Factual position may be noticed.
3. Surinder Kumar, plaintiff-respondent was working as a Conductor with Punjab Roadways, when he was served with a show cause notice dated 27.01.1992 on the allegation of committing fraud to the tune of Rs.4.50/-. He submitted his reply, which was found to be unsatisfactory and an order dated 20.02.1992 was passed, whereby one annual increment was stopped with cumulative effect by the General Manager, Punjab Roadways, Depot No.2, Jalandhar. This order is the subject matter of challenge in the suit for declaration instituted by him.

4. Upon notice, defendants filed written statement contesting the suit on merits. Replication was filed by the plaintiff-appellant and after framing issues, Trial Court by judgment dated 04.09.1993, decreed the suit. State-defendants remained unsuccessful in first appeal, which was dismissed vide judgment dated 26.04.1995. In this backdrop, they are before this Court in the instant second appeal.

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

6. In order to determine the controversy, it is necessary to examine the punishment order dated 20.02.1992, a translated copy of which is reproduced as under:-

“A “Show-Cause Notice” had been issued against Shri Surinder Kumar, Conductor No.88 vide Notice No.1405/E.A dated 27.01.92 on recovery of 4.50 Paise while performing duty on bus bearing No.2540 for Chak Badala to Nakodar on 20.12.91. The reply of it was given by this employee on 10.02.92.

I properly considered the reply of this Conductor and heard him personally. Thereafter, while taking lenient approach, I order to temporarily stop one annual increment of this Conductor.”

7. A cursory look at the order shows that no reason whatsoever has been assigned, while imposing the punishment upon the plaintiff-respondent. In a cryptic manner, the punishing authority while mentioning that response has been considered and employee has been heard, proceeded to impose the punishment. The punishing authority has

not assigned any reason whatsoever. An administration order, which entails adverse consequences, is required to be supported by reasons, which are lacking and has been rightly set aside by both the Courts.

8. For the afore-going reasons, this Court does not find any infirmity or illegality in the judgments and decrees passed by the Courts below, which deserve to be upheld.

9. Finding no merit in the appeal, it is hereby dismissed.

10. Although, in normal circumstances, an opportunity should be granted to the State to pass a fresh order, but considering that the economic loss caused to the State exchequer is negligible and is not worth the expense and the litigation has been pending for the last more than three decades, this Court refrains from granting any such opportunity to the State.

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

09.02.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No