Neutral Citation No.2024:PHHC:032211

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-1646-1996 (O&M)
Decided on :06.03.2024

DHARAM PAL . .Appellant

Versus

STATE OF PUNJAB AND ORS. . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Vijay Pal, Advocate for the appellant.

Mr. Rohit Ahuja, DAG, Punjab.

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HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present appeal, the grievance of the appellant-plaintiff is that his claim qua the imposition of recovery of Rs. 47,237/- has wrongly been rejected by the Courts below without appreciating the actual facts.

2. Learned counsel for the appellant submits that the disciplinary proceedings, which were conducted against the appellant-plaintiff after which, the recovery was imposed on him was not as per the settled principle of law and the documents which were requested by the appellant-plaintiff were not supplied, the rules of natural justice were violated, which fact is good enough to set aside the enquiry proceedings and consequent recovery of Rs. 47,237/-.

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3. Learned counsel for the respondents on the other hand submits that the said argument has been raised by the appellant-plaintiff before the Courts below and the same has already been dealt with in extensive that all the rules governing the conduct of the enquiry proceedings were followed and it is only after giving the due opportunity to the appellant-plaintiff to defend himself, the order of punishment was passed after he was held guilty of the charges.

4. Learned counsel for the respondents state submits that only 5 % of the total loss caused to the State was sought to be recovered from the appellant-plaintiff which punishment order is perfectly valid and legal.

5. Learned counsel for the respondents further submits that at the time of the filing of the suit against the order of recovery, the appellant-plaintiff had filed a statutory appeal and the said statutory appeal was decided on 09.10.1996 by which, the recovery was reduced from Rs. 47,237/- to Rs. 17, 412/-, hence, no grievance can be made by the appellant-plaintiff.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Keeping in view the findings which have been recorded by the Courts below, it has already come on record that due opportunity was given to the appellant-plaintiff to defend himself in the enquiry proceedings. Not only this, due action was taken on his appeal by which even the initial recovery of Rs. 47,237/- has been reduced to Rs. 17, 412/- which shows that while imposing the punishment of recovery on the appellant, there was due application of mind on the part of the respondents.

8. Further in the present regular second appeal, the appellant-plaintiff can not re-argue the issue so as to ask this Court to re-appreciate the evidence and to arrive at a conclusion other than the one arrived at by

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the Courts below. Only the perversity in the findings have to be pointed out. But in the present case, no perversity in the judgment and decree passed by the Courts below has been pointed out by the learned counsel for the appellant-plaintiff hence, in the absence of any perversity in the findings recorded by the Courts below, no interference is called for by this Court in the present regular second appeal, hence, the same stands dismissed.

9. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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