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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-173-1997 (O&M)
Date of Decision: 15.02.2024

STATE OF PUNJAB

...Appellant

Vs.

B.K. DHIR

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Ahuja, DAG, Punjab.
None for the respondent.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present appeal, the challenge is to the orders passed by the Courts below allowing the suit filed by the respondent-plaintiff and the punishment imposed on 15.04.1988 withholding one increment with cumulative effect was held to be bad.
2. Learned counsel for the appellant/State submits that once the departmental enquiry was already done before imposing the punishment, the Courts below should not have interfered in the imposition of punishment as only following of the procedure envisaged to be valid for conducting the disciplinary enquiry, could have been seen.
3. It may be noticed that there was no interim, and the order must have been complied with as the respondent-plaintiff must have retired from service since long.
4. No one has appeared on behalf of the respondent/plaintiff. I have heard learned counsel for the appellant and have gone through the record.

5. The Courts below have recorded a finding that the enquiry which was conducted against the respondent/plaintiff was bad as, the preliminary enquiry report which was relied upon to impose the punishment, was never supplied to the respondent/plaintiff during the conduct of the disciplinary proceedings. Further, the Courts below have come to the conclusion that on the same charges, criminal proceedings were also initiated wherein the respondent/plaintiff was exonerated of the allegations.
6. It is a settled principle of law that any document which is being relied upon in a departmental enquiry, is to be given to the delinquent so that, delinquent is able to defend himself/herself properly. The non-grant of the required document is a valid ground to hold that the process envisaged for conducting the disciplinary proceedings have not been followed. Hence, the findings recorded by the Courts below that the punishment so imposed upon the plaintiff without following the due procedure as envisaged under law, need not to be disturbed especially when, the same has not been proved to be perverse in any manner.
7. Keeping in view the above facts, no ground for interference is made out and the regular second appeal is dismissed.
8. Pending applications, if any, shall also stands disposed of.

(HARSIMRAN SINGH SETHI)
(JUDGE)

15.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No