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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(202)

RSA-1985-1996
Date of decision:- 18.04.2024

Punjab State and another

... Appellants

Versus

Dial Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Chaudhry, DAG, Punjab.

**Respondent was ordered to be proceeded against ex-parte by
this Court vide order dated 09.10.1996.**

SUVIR SEHGAL, J. (ORAL)

1. Plaintiff-defendants are in second appeal before this Court challenging the concurrent finding of fact recorded by both the Courts below.
2. Plaintiff-respondent filed a suit for declaration challenging four punishment orders. Vide orders dated 04.07.1990, 05.09.1990 and 03.04.1992, punishment of stoppage of one increment without cumulative effect was withheld. By the fourth order dated 11.03.1993, two increments without cumulative effect were stopped by the authorities.
3. Upon notice, suit was contested by the defendants and it was pleaded that the plaintiff was afforded full opportunity as per the rules, before imposing the punishments. Issues were framed on the pleadings of the parties and after they led evidence, Trial Court by judgment dated 21.10.1994, partly decreed the suit and came to the conclusion that orders

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dated 04.07.1990, 05.09.1990 and 11.03.1993 are vitiated. First appeal, filed by the defendants, was dismissed by the learned Additional District Judge by judgment dated 01.03.1996. In the above backdrop, defendants have approached this Court in the instant appeal.

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

5. By punishment orders dated 04.07.1990, 05.09.1990 and 11.03.1993, a minor punishment has been imposed upon the plaintiff-respondent. Examination of the record shows that disciplinary proceedings were initiated against him for imposition of a major penalty and a charge-sheet was issued. However, without taking the disciplinary proceedings to their logical end, they were dropped midway and a minor punishment was imposed. The procedure adopted is in contravention of the Punjab Civil Services (Punishment and Appeal) Rules, 1970. It is true that once departmental proceedings for imposing major punishment have been initiated, on their conclusion, a minor punishment can be imposed, but the proceedings cannot be dropped midway to impose a minor penalty. This Court is, therefore, does not find any reason to interfere with the judgments and decrees passed by the Courts below.

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

18.04.2024

Kamal

(SUVIR SEHGAL)
JUDGE

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