

2024:PHHC:000824

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-2994-1997 (O&M)

Date of decision: 05.01.2024

State of Punjab and others

....Appellants

Versus

Mohinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vikas Arora, AAG, Punjab

Mr. Gurcharan Dass and
Ms. Ravinder Kaur, Advocates for the respondent

ANIL KSHETARPAL, J (Oral)

1. This is the defendants' appeal against the judgment passed by the First Appellate Court, which in turn has reversed the judgment and decree passed by the trial court. The respondent (the plaintiff in the suit) filed the suit for the grant of decree of permanent injunction and declaration with a consequential relief of mandatory injunction. In substance, the respondent challenges the correctness of the order passed on 08.02.1989, whereby the penalty of recovery of Rs.26,401/- and stoppage of one annual grade increment with cumulative effect was imposed upon him.

2. The First Appellate Court has found that although the impugned order was passed by the disciplinary authority, however,

no evidence was led in the departmental inquiry to prove that the accident that resulted in damage to the bus driven by the respondent, had taken place due to rash and negligent driving on his part. It has come in evidence that on the date of the accident, there was fog and in a criminal case, the respondent was acquitted. The First Appellate Court has also held that Sh.Jagjit Singh, Conductor has admitted that the respondent was driving the bus on his correct side of the road on a slow speed, however, a private bus coming from the opposite direction caused the accident. Thus, the First Appellate Court set aside the order dated 24.03.1990.

3. Learned counsel representing the State submits that the civil court is not an appellate authority and therefore, except in the absence of the procedural error in holding the departmental inquiry, the court should not interfere.

4. This Court has considered the submissions made by the learned counsel representing the parties. In this case, the First Appellate Court has found that there was no evidence led by the Department to prove that the accident occurred due to the rash and negligent driving on the part of the respondent. In such circumstances, the civil court was left with no other choice but to set aside the order, which was based on no evidence.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

05.01.2024
rekha

(ANIL KSHETARPAL)
JUDGE

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