

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

RSA No. 924 of 1996
Date of Decision : 02.02.2024

The State of Punjab and another

...Appellants

Versus

Vijay Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Ahuja, Deputy Advocate General, Punjab
for the appellants.

Mr. P.K. Madan, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

1. In the present regular second appeal, the challenge is to the judgment and decree of the trial court dated 04.11.1993 by which, the suit filed by the respondent-plaintiff challenging the orders of punishment by which, his increments were stopped without cumulative effect, has been partly allowed and the appeal filed by the appellants-defendants has been dismissed by the lower appellate court vide judgment and decree dated 03.11.1995.
2. Learned counsel for the appellants-defendants argues that the only ground given for allowing the suit is that the orders were passed by the Works Manager, who was officiating as a General Manager and as the orders were passed by the Works Manager, who was only officiating, he

did not had the jurisdiction to pass the said order. Learned counsel for the appellants-defendants submits that the said view is contrary to the judgment of the Hon'ble Supreme Court of India in the case of ***Ramji Dass Vs. General Manager, Punjab Roadways, Muktsar and others***, Civil Appeal No. 773 of 1982, decided on 17.07.1984, wherein, it has already been held that the Officer officiating as a General Manager had a power to pass appropriate order while exercising the powers of the General Manager. Learned counsel submits that keeping in view the said, the suit filed by the respondent-plaintiff is liable to be dismissed.

3. Learned counsel for the respondent-plaintiff has not been able to differentiate the settled principle of law as settled by the Hon'ble Supreme Court of India in ***Ramji Dass (Supra)***.

4. Keeping in view the above, as the only ground raised for allowing the suit was that the Works Manager Officiating as a General Manager was incompetent to pass the orders of punishment and the said reason is contrary to the judgment in ***Ramji Dass (supra)***, the order passed by the courts below is perverse and contrary to the settled principle of law.

5. It may be noticed that the judgment in ***Ramji Dass (supra)***, was available at the time when the civil suit was decided on 04.11.1993 as well as the appeal was decided in the year 1995.

6. Keeping in view the above, the present regular second appeal is allowed. The judgments and decrees of the courts below are

set-aside and consequently, the suit filed by the respondent-plaintiff is dismissed.

Any miscellaneous application, if pending, stands disposed of.

February 2nd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No