

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

RSA No. 576 of 1997
Date of Decision : 08.04.2024

The State of Punjab and another

...Appellants

Versus

Hans Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. S.S. Brar, 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 lower appellate court vide order dated 13.09.1996 by which judgment and decree of the trial court vide order dated 03.11.1992 has been set-aside and the suit filed by the respondent-plaintiff has been partly allowed qua certain punishments imposed upon him.

2. Learned counsel for the appellants-defendants submits that there has to be a specific challenge to the punishment orders before, the said orders can be directed to be ignored by the court and in the present appeal, the only prayer of the respondent-plaintiff was for pay fixation on the basis of the length of service keeping in view the increment granted to the respondent-plaintiff.

3. Learned counsel for the appellants-defendants submits that out of 04 increments stopped, the claim of the respondent-plaintiff was barred by period of limitation and was declined by the trial court vide order dated 03.11.1992 as well as by the lower appellate court vide order dated 13.09.1996 but the lower appellate court granted the benefit qua punishments, which were challenged within the period of limitation on the ground that the order passed by the punishing authority was totally cryptic and non-speaking.

4. I have heard learned counsel for the appellants-defendants and have gone through the record with his able assistance.

5. It may be noticed that the appeal was preferred in the year 1996 and 27 years have elapsed since then. There was no interim order and the judgment and decree of the lower appellate court must have been executed and even the respondent-plaintiff must have retired from service since long.

6. Further, the benefit which has been given to the respondent-plaintiff, is only qua the punishments, which were within the period of limitation keeping in view the date on which the civil suit was filed. A finding has already been recorded on the basis of the evidence, which has come on record that none of the order is speaking and give the reasons for stopping the increment and cryptic order has been passed.

7. It is a settled principle of law that the punishing authority is directed to pass a reasoned order for inflicting the punishment upon the respondent-plaintiff so that the employee should know as to what

weighed with the mind of the authorities concerned while passing the order of punishment so as to avail appropriate remedy.

8. Keeping in view the fact that it is not disputed before this Court that the order of punishment passed by the punishing authority, benefit qua which has been given to the respondent-plaintiff are cryptic, coupled with the fact that the respondent-plaintiff has already retired from service since long and the judgment of the lower appellate court has already been executed, no ground is made out for any interference by this Court in the facts and circumstances of the present case as no perversity has been pointed out in the judgment of the lower appellate court.

9. Dismissed.

Any miscellaneous application, if any, stands disposed of.

April 8th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No