

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

Neutral Citation No. 2024:PHHC:049142-DB

(105)

LPA-896-2024 (O&M)

Decided on : 10.04.2024

Ved Pal

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,

ACTING CHIEF JUSTICE

HON'BLE MS.JUSTICE LAPITA BANERJI

Present:- Mr. Johan Kumar, Advocate for the appellant.

G.S. Sandhawalia, Acting Chief Justice (Oral)

The present letters patent appeal is directed against the order dated 23.01.2024 of the learned Single Judge passed in **CWP-20248-2012** filed by a retired employee, which we feel is totally misconceived. Challenge in the writ petition was to the charge-sheet dated 23.03.1992 (Annexure P-2) and the adverse entry made vide order dated 25.01.1997 (Annexure P-4). Challenge had also been raised to the order dated 01.07.1999 (Annexure P-6) whereby the appeal was dismissed by the Transport Commissioner by noting that the adverse entry/honesty was shown to be doubtful in confidential report for the year 1991-1992, on account of the fact that the employee was in Gohana Sub-Centre when he was caught while stealing old kamanies and the said fact was also recorded in the ACR (Annexure P-8).

2. We are of the considered opinion that the learned Single Judge is well justified in dismissing the writ petition, which was filed in the year 2012. Initially an attempt had been made to nullify the proceedings by filing civil suit seeking declaration to the said fact. The learned Trial Court had dismissed the suit being barred by time as the same was not filed within 3 years, since the appeal was dismissed against the adverse entry vide order dated

01.07.1999 (Annexure P-6) and the civil suit was initiated only on 21.07.2004. The appeal filed before the Additional District Judge, Chandigarh was also dismissed, vide judgment and decree dated 30.11.2010 (Annexure P-10), whereby the finding on issue No.4 were confirmed regarding limitation. The regular second appeal filed before this Court was dismissed as withdrawn with liberty to file a fresh suit or writ petition, subject to payment of costs of Rs.5,000/-, vide order dated 06.07.2012 (Annexure P-11). A perusal of the writ petition would go on to show that there is no averment that cost was ever deposited.

3. In such circumstances to initiate a second round of litigation is totally misconceived, as the Courts below had rightly come to the conclusion that suit itself was time barred. The findings, thus, recorded by the learned Single Judge as such do not warrant any interference, whereby it has been held that lenient view was taken not to impose any punishment except the denial of the pay during the suspension and to record the “doubtful” entry in the service record. Even otherwise we are of the considered opinion that the conduct of the employee is something which can be commented upon by the authorities and it is not for the Writ Court to superimpose its view.

4. Resultantly, there is no merit in the present appeal and same is hereby dismissed in limine. All pending civil miscellaneous application also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

10.04.2024
Naveen

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No