



RSA-2669-1998

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

(219)

RSA-2669-1998

Date of decision:- 27.05.2024

State of Punjab

... Appellant

Versus

Surjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Brijesh, AAG, Punjab.

None for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Defendant-appellant is in second appeal challenging the concurrent finding of fact recorded by both the Courts.
2. Pleaded case of plaintiff-respondent, who was working as a Conductor, is that on the basis of a concocted complaint, he was placed under suspension and was served with charge-sheet dated 28.09.1993. He claims that the charge-sheet was defective as it had not been drawn in accordance with the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (for short "the Rules"). Reply submitted by the plaintiff was not accepted on the ground that it has not been given within the specified period. Enquiry Officer was appointed, who submitted a report against the plaintiff. Show cause notice dated 25.07.1994 was served to which the plaintiff submitted his response pointing out the defects in the disciplinary proceedings. However, by order dated 19.09.1994, punishing authority imposed penalty of stoppage of four annual increments with cumulative

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effect. Plaintiff filed a suit for declaration challenging the punishment order and sought consequential benefits.

3. Upon notice, defendant appeared and contested the suit. Stand taken by the defendant is that the procedure prescribed under the Rules has been followed. No replication was filed. Issues were framed from the pleadings of the parties and after they led evidence and were heard, Trial Court by judgment dated 29.07.1995 decreed the suit. Defendant remained unsuccessful in the first appeal, which was dismissed by the learned District Judge, Jalandhar by judgment dated 09.02.1998, resulting in the institution of the present appeal.

4. While admitting this appeal on 17.12.1998, this Court framed this following substantial question of law:-

“Whether the Civil Court can interfere with the order of dismissal passed after holding the departmental enquiry?”

5. I have heard the State counsel and considered his submission as well as examined the record with his able assistance.

6. This Court has gone through the documents tendered by the defendants before the Trial Court and exhibited as P-2. An examination of charge-sheet shows that vague allegations have been levelled against the plaintiff. Except for the substance and statement of imputations, no other material has been appended with the charge-sheet. Articles of charge have neither been framed nor supplied to the plaintiff. Charge-sheet is not supported with the list of documents or witnesses on the basis of charges



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are proposed to sustained. No material has been supplied to the plaintiff to support the allegation of causing loss to the State exchequer or of infraction of rules or the nature of derogatory language allegedly used by him. The charge-sheet itself is vague and the plaintiff remained in the dark about the incriminating material against him, which was being relied upon by the department. The plaintiff did not get a fair opportunity to rebut the allegations. Even the material witness, the driver of the bus, who was present at the time of checking, was not examined. There has been a breach of the mandatory provision of Rule 8, *ibid*. Therefore, the entire disciplinary proceedings and the finding returned by the enquiry officer, were vitiated. There is no scope of interference in the judgments and decrees of the Courts below, which are affirmed.

7. The question in law framed by this Court is answered by holding that the Civil Court can interfere with the dismissal order where it comes to the conclusion that the departmental proceedings have been conducted *de hors* the mandate of the Rules.

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

27.05.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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