

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

RSA-2678-1993 (O&M)
Date of Decision :02.02.2024

State of Punjab and another

...Appellants

Versus

Head Constable Ram Das

....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Ahuja, DAG, Punjab for the appellant-State.

None for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present regular second appeal the only challenge is to order of reversion from the post of ASI to that of Head Constable.

2. Learned counsel for the appellant-State submits that a departmental enquiry was held against the respondent-plaintiff and on the basis of the said departmental enquiry, punishment of reversion from the post of ASI to that of Head Constable was imposed upon the respondent-plaintiff and the said order inflicting punishment of reversion was never challenged by the respondent-plaintiff as other criminal proceedings were also pending against the respondent-plaintiff wherein, he was exonerated, respondent-plaintiff claimed that order of reversion from the post of ASI to that of Head Constable be treated as bad in law on the ground of his acquittal in the criminal proceedings, which is not permissible as enquiry proceedings and criminal proceedings stands on different footing.

3. Learned counsel for the appellant-State submits that operation

of the judgment passed by the Court below was stayed by this Court vide order dated 28.09.1998.

4. Learned counsel for the appellant-State submits that it is not known as to whether respondent-plaintiff is still alive or not as of now hence, keeping in view the said position, present regular second appeal is disposed of having been not pressed any further with liberty to revive the same in case any execution petition is filed by the respondent-plaintiff or his legal heirs.

Ordered accordingly.

February 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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