

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

(209)

RSA-3779-1998 (O&M)

Date of Decision : April 01st, 2024

Punjab State and others

.. Appellants

Versus

Kulwant Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-6596-C-1998

As prayed for, the application is allowed.

Delay of 21 days in filing the appeal is condoned.

RSA-3779-1998

1. In the present appeal, the challenge is to the judgment and decree of the lower Appellate Court dated 21.01.1998 by which, the suit filed by the respondent-plaintiff was decreed and the judgment and decree of the trial Court dated 27.05.1995 was set aside.
2. Learned counsel for the appellants argues that in the suit, the challenge is to the order dated 31.07.1989 by which, a major punishment was imposed upon the respondent-plaintiff qua reduction of his salary to the initial basic pay for a period of three years and further not to grant him any further benefits during the period of suspension.

3. The suit filed by the respondent-plaintiff was dismissed by the trial Court vide judgment and decree dated 27.05.1995, which judgment was challenged by the respondent-plaintiff in appeal. The lower Appellate Court vide judgment and decree dated 21.01.1998 allowed the appeal and held that the disciplinary proceedings held against the respondent-plaintiff were not by following the proper process and even the order imposing punishment which was passed against the respondent-plaintiff was cryptic and non-speaking and the punishment imposed was also violative of Rule 4.12 as well as Rule 8.11 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

4. Learned counsel for the appellants submits that the judgment and decree of the lower Appellate Court is not correct.

5. On being asked to point out the perversity in the judgment, learned counsel for the appellants has not been able to point out any perversity to show that the findings recorded by the Courts below that the procedure envisaged for holding the departmental enquiry, has been followed.

6. Further, the findings were recorded by the trial Court that Rule 4.12 and 8.11 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 have been violated while passing the punishment order. Even on this aspect, learned counsel for the appellants has not been able to show that the judgment of the lower Appellate Court is perverse.

7. Even otherwise, there was no interim order in the present appeal and judgment and decree of the lower Appellate Court has already been executed and the respondent-plaintiff has retired from service since long and getting pension.

8. Keeping in view the above, no ground is made out for any interference by this Court as no perversity in the judgment of the lower Appellate Court could be pointed out.

9. Dismissed.

April 01st, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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