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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No. 3102 of 1999

Date of Decision: 15.04.2024

State of Punjab

.....Appellant

Versus

Pritam Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Amrita Garg, AAG, Punjab
for the appellant.

None for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. Defendant-Appellant is in second appeal before this Court challenging the concurrent finding recorded by the Courts below.
2. Pritam Singh-Conductor filed a civil suit for declaration to the effect that order dated 19.11.1993 whereby punishment of stoppage of one increment with cumulative effect was imposed is illegal, null and void. He pleaded that the disciplinary proceedings had been conducted and the order had been passed in violation of the Principles of Natural Justice.
3. Upon notice, suit was contested by the defendant by filing of written statement wherein it was submitted that the plaintiff was afforded ample opportunity to defend himself and the procedure prescribed under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 was followed. On the basis of pleadings, issues were framed and after the parties led evidence, trial Court vide judgment and decree dated 09.05.1997 decreed the suit. Defendants remained unsuccessful in the first appeal which was

rejected by judgment dated 22.03.1999 resulting in the institution of the present appeal.

4. I have heard the learned counsel for the appellant and examined the record with her able assistance.

5. First Appellate Court has rejected the appeal on two grounds. Firstly, the Court has come to the conclusion that there is an overlapping in the charges framed and that they were vague. Even if the argument of the State counsel is accepted that both the charges i.e dereliction of duty and embezzlement are different, she has not been able to satisfy the Court insofar as the second ground for rejection is concerned.

6. First Appellate Court has returned a finding that the impugned order dated 19.11.1993 which forms part of Inquiry File, Ex.D1, has been passed in a mechanical manner. A perusal of the punishment order shows that after noticing that the reply has been filed by the plaintiff which has not been considered, the Punishing Authority has imposed penalty of stoppage of increment with cumulative effect. The explanation of the plaintiff has not been discussed nor any reason has been given for imposing the punishment. This Court is therefore of the view that the order is cryptic and has been rightly set aside by both the Courts below. There is no infirmity in the judgments passed by both the Courts.

7. At this stage, learned State counsel has submitted that the State should be given an opportunity to pass a fresh order after considering the reply filed by the plaintiff-respondent. The request made by the State counsel cannot be accepted. The charge against the plaintiff-respondent was of embezzling an amount of Rs. 10/-. Litigation has remained pending before the Court, for the last almost three decades and in the interregnum,

of superannuation.

8. Consequently, finding no merit in the present appeal the same is hereby dismissed.

15.04.2024

(SUVIR SEHGAL)

Rajeev (rvs)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes