

RSA-3266-1999 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(231)

RSA-3266-1999 (O&M)
Date of decision:- 15.04.2024

State of Punjab and another ... Appellants

Versus

Gurmail Ram ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anil Bansal, DAG, Punjab
for the appellants.

Ms. Aarushi Garr, Advocate
for the respondent.

SUVIR SEHGAL, J. (ORAL)

[CM-5578-C-1999](#)

1. Exemption, as prayed for, is granted.
2. Application is allowed.

Main case

1. Ms. Aarushi Garr, Advocate has put in appearance on behalf of respondent and has filed Power of Attorney, which is taken on record.
2. Defendants-appellants have approached this Court challenging the judgment and decree passed by the learned Additional District Judge, Jalandhar.
3. Brief facts may be noticed.
4. Plaintiff-respondent, Gurmail Singh, who was working as a Conductor, was placed under suspension on 07.08.1986 on the basis of a complaint given by the checking staff. He was issued a charge-sheet vide Memo dated 02.09.1986 on the allegation that he failed to issue tickets to

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the passengers and had instigated the passengers against the checking staff. A departmental enquiry conducted and by order dated 20.07.1987 passed by the General Manager, one annual increment was stopped with cumulative effect. Plaintiff filed a suit for declaration to the effect that the said order is illegal and for consequential relief.

5. Upon notice, suit was contested by the defendants by taking various preliminary objections. It was submitted that the punishment order had been passed after complying with the procedure prescribed under the Punjab Civil Services (Punishment & Appeal) Rules, 1970. Issues were framed on the basis of the pleadings of the parties and after they led evidence, Trial Court by judgment and decree dated 30.03.1995, dismissed the suit. Aggrieved, plaintiff filed an appeal, which was accepted by the learned Additional District Judge by judgment dated 18.03.1999. Judgment and decree of the Trial Court was set aside and the suit was accepted. Defendants have filed the instant appeal in the above backdrop.

6. I have heard counsel for the parties and examined the record with their able assistance.

7. Sole ground on which the judgment and decree passed by the Trial Court has been reversed by the learned Additional District Judge is that the punishment order dated 20.07.1987, Ex.D-1, is non-speaking. After the enquiry report was received, the defendants issued a show cause notice to the plaintiff-respondent, who submitted his reply. Perusal of the impugned punishment order shows that the punishing authority has not reverted to the reply at all. The explanation given by the plaintiff in his reply has not been noticed. Punishing authority has simply endorsed the

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findings of the enquiry officer and has passed the penal order. This has resulted in a breach of the principles of natural justice. Consequently, this Court does not find any reason to interfere with the judgment passed by the First Appellate Court.

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

15.04.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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