



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1740-2001

Date of decision:-10.09.2024

Pepsu Road Transport Corporation, Patiala and another

...Appellants

Versus

Puran Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Anupam Singla, Advocate
for the appellants.

Ms.Anamika Sheoran, Advocate for
Mr.Vikas Singh, Advocate
for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. Defendant – appellants are in second appeal before this Court assailing the judgments and decrees passed by the Courts below.

2. Pledged case of the plaintiff – respondent, is that he was working as a Conductor with the respondents and vide order dated 26.09.1990, he was placed under suspension. A charge-sheet dated 11.07.1990 was served upon him and without conducting the inquiry in



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accordance with the applicable rules and in violation of the principles of natural justice, by punishment order dated 14.05.1991, Ex.P1, his salary was brought down to the initial stage and two annual grade increments were withheld with cumulative effect, besides withholding payment of amount over and above the subsistence allowance withdrawn by him during the suspension period. Challenging the order, plaintiff filed a suit for declaration.

3. Upon being served, defendants filed a written statement contesting the suit by taking various objections. It was pleaded that the inquiry was conducted in accordance with the prescribed procedure and the plaintiff was afforded full opportunity to defend himself before passing the penal order. Plaintiff did not file any replication and issues were framed on the pleadings of the parties, who led evidence in support of their case. After the parties were heard, the Trial Court by judgment dated 25.03.1995 decreed the suit. First appeal preferred by the defendants was dismissed by learned Additional District Judge, Bathinda, by judgment dated 07.12.2000, resulting in the institution of the present appeal.

4. Counsel for the appellants has placed reliance upon a judgment of this Court in **Pepsu Road Transport Corporation Versus Gopal Krishan, 1998 (3) SCT 88** to contend that both the Courts have misinterpreted Regulation 20 of Pepsu Road Transport Corporation (Conditions of Appointment and Service) Regulation, 1981 (for short “the 1981 Regulations”) to come to the conclusion that punishment awarded amounts to double jeopardy. It is also his argument that the



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plaintiff – respondent has to avail the remedy of appeal provided under Regulation 30, *ibid*.

5. Counsel for the respondent supported the judgments and decrees under challenge. She submits that the respondent has unfortunately expired.

6. I have heard counsel for the parties and considered their respective submissions.

7. Regulation 20 of the 1981 Regulations came up for interpretation before the Hon'ble Supreme Court in *State of Punjab and others Versus Surjit Singh Conductor, (1996) 8 SCC 350* and it was observed as under:

"3. The respondent was a conductor. A charge-sheet was issued imputing misconduct in not issuing the tickets. The Inquiry Officer, though had not recorded finding of proof of misconduct, the Disciplinary Authority did not agree with the Inquiry Officer's report and has given reasons in support of the disagreement, recorded a finding as to how the charges have been proved by giving opportunity to the respondent to show why the punishment of stoppage of increments and also withholding payments of arrears of salary as punishment. The respondent has submitted his explanation. On consideration thereof, the disciplinary authority imposed stoppage of three annual increments with cumulative effect and also with-held payment of arrears of salary for the suspension period. The trial Court dismissed the suit. On



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appeal, it was reversed and the suit was decreed. In S.A. No. 208 of 93 dated 25.11.1993, the High Court of Punjab and Haryana confirmed the appellate decree.

4. *The appellate decree envisages confirmation of stoppage of three increments with cumulative effect but interfered with the order of withholding payment of arrears of salary as a measure of punishment. The appellate Court held that the disciplinary Authority had no power to impose the said punishment.*

5. *We have heard counsel on both sides. It is an admitted position that the charges have been proved. Once the charges have been proved, it is settled law that the disciplinary authority is empowered to impose appropriate punishment. The rule indicates withholding of payment of arrears of salary as one of the modes of punishment. Under these circumstances, the disciplinary authority had rightly exercised its power. The civil court had no jurisdiction to substitute the punishment imposed by the disciplinary authority. The civil Court is not a court of appeal in civil suits.*

6. *The appeal is accordingly allowed. The suit stands dismissed, but in the circumstances, without costs.”*

8. The judgment of the Apex Court was followed by a Co-ordinate Bench of this Court in **Gopal Krishan’s** case (supra). This Court held that Regulation 20 ibid provides for two penalties, which can



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be imposed upon the delinquent. Withholding of increment is stated to be a penalty under regulation 20 (ii) and withholding of wages for suspension period is stated to be another penalty under Regulation 20 (v). It is, therefore, evident that both the Courts below have erred in coming to the conclusion that the punishments imposed upon the plaintiff – respondent are hit by the doctrine of double jeopardy. As the impugned judgments and decrees are contrary to the settled legal position, they cannot be sustained and are accordingly set aside.

9. For the reasons recorded above, appeal filed by the defendant – appellants is allowed and the suit of the plaintiff - respondent is dismissed throughout. However, considering the time lag and that plaintiff – respondent has expired, appellants are restrained from effecting any recovery.

10. Pending application, if any, is disposed of.

(SUVIR SEHGAL)
JUDGE

10.09.2024
Brij

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