

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

IOIN-RSA-2962-2006 &
RSA-2962-2006(O&M)
Date of Decision :20.02.2024

State of Punjab and another

...Appellants

Versus

Balram Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

None for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the appellant-State submits that keeping in view the fact that respondent-plaintiff had conceded before the authorities concerned qua the allegations alleged against the respondent-plaintiff and had also submitted affidavit dated 11.12.1995 that a lenient view should be taken for his absence from duty from 14.05.1990 to 11.12.1995 and he will not file an appeal against the said order of punishment, due to which, by taking a lenient view, a punishment of stoppage of two increments with cumulative effect was imposed upon the respondent-plaintiff.

2. Learned counsel for the appellant-State further submits that respondent-plaintiff had given an undertaking that he will not challenge the said punishment but he still availed the remedy of civil suit, which civil suit though, was dismissed by the trial Court but in an appeal, the lower

Appellate Court has not only allowed the suit but also set aside the punishment on the ground that enquiry proceedings were not conducted in accordance with law.

3. Learned counsel for the appellant-State submits that as the guilt was accepted by the respondent-plaintiff so as to take lenient view, no enquiry was required to be conducted hence, the finding recorded by the lower Appellate Court that enquiry proceedings were not conducted in accordance with law, is contrary to the facts and evidence on record.

4. Learned counsel for the appellant-State further submits that keeping in view the report of the office stating that respondent-plaintiff had already died, present appeal may kindly be disposed of having been not pressed any further with liberty to the appellant-State to revive the same in case any execution petition is filed on behalf of the respondent-plaintiff as while admitting the present regular second appeal, operation of the judgment and decree of the lower Appellate Court was stayed by this Court.

5. Ordered accordingly.

6. IOIN as well as civil miscellaneous application pending, if any, is also disposed of.

February 20, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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