

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(216)

RSA-2037-2016

Date of Decision : April 04, 2024

**Mota Singh Through LRs Harbhajan Kaur and others****.. Appellants****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amit Kaith, Advocate, for the appellants.

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present appeal, the challenge is to the judgment and decree of the lower Appellate Court dated 08.12.2015 by which, the judgment and decree of the trial Court dated 14.05.2015 has been set aside and the suit filed by the appellant-plaintiff has been dismissed.

2. Learned counsel for the appellants argues that while the appellant Mota Singh was working as a Driver with the Punjab Roadways, he caused an accident and keeping in view the award given by the Motor Accident Claims Tribunal, he was charge-sheeted on 05.02.2007. Thereafter, keeping in view the fact that he was held guilty in the disciplinary proceedings started against him and vide order dated 23.01.2009/06.02.2009, his two increments were ordered to be stopped with cumulative effect. The challenge was to the said order.

3. The trial Court, keeping in view the evidence which had come on record, decreed the suit vide judgment and decree dated 14.05.2015 against which, the respondent-State filed an appeal before the lower Appellate Court. The lower Appellate Court vide order dated 08.12.2015 set aside the judgment and decree of the trial Court dated 14.05.2015 and dismissed the suit and upheld the imposition of punishment.

4. Learned counsel for the appellants submits that the imposition of punishment upon the appellant-plaintiff was totally arbitrary and illegal hence, the same was rightly set aside by the trial Court but without there being any valid reason, the said judgment and decree of the trial Court dated 14.05.2015 has been set aside by the lower Appellate Court. Learned counsel for the appellants further submits that the judgment of the lower Appellate Court be set aside and that of the trial Court be restored.

5. Learned State counsel, on the other hand, submits that once the punishment of stoppage of two increments with cumulative effect was imposed on the appellant-plaintiff after holding an enquiry, the Court cannot sit as an Appellate body to examine the issue to decide as to whether the imposition or punishment was valid or not hence, the judgment of the lower Appellate Court is perfectly valid and legal and liable to be maintained.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once the punishment was imposed on the appellant-plaintiff after holding the departmental enquiry and nothing has come on record that the procedure envisaged for conducting the departmental enquiry was not followed by the Department concerned, this Court will have no jurisdiction to interfere with the punishment imposed upon the appellant-plaintiff by the

punishing authority. It is also a conceded fact that the appellant caused an accident due to his negligence and the Department had to pay compensation to the victim hence, for the said misconduct, the appellant has rightly been punished and the Courts will have no jurisdiction to interfere with an order passed in the departmental proceedings especially when nothing has been pointed out that the departmental proceedings were conducted dehors the Rules.

8. Even otherwise, no perversity in the judgment of the lower Appellate Court could be pointed out by the learned counsel for the appellants.

9. Keeping in view the above, no ground is made out for any interference by this Court in the present regular second appeal.

10. Dismissed.

**April 04, 2024**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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