

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

RSA-2443-2016 (O&M)
Decided on :10.04.2024

BAKSHISH SINGH

.APPELLANT

Versus

STATE OF PUNJAB & ANR

. . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Puneet Kumar Bansal, Advocate for the appellant.

Mr. Rohit Ahuja, DAG, Punjab.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present regular second appeal, the challenge is to the judgments and decrees passed by the Courts below by which, the suit filed by the appellant-plaintiff was dismissed and the judgment and decree of the trial Court vide order dated 19.02.2014 has been upheld by the Lower Appellate Court.
2. The challenge in the civil suit is to the order of punishment imposing the punishment of stoppage of three increments with cumulative effect upon the appellant-plaintiff.
3. Learned counsel for the appellant argues that the orders passed by the punishing authority and the Appellate Authority are not the speaking

orders and have been passed without application of mind, hence, both the orders are liable to be set-aside, which issue has not been noticed by the Courts below while passing the judgments and decrees.

4. Learned counsel for the respondents on the other hand submits that the detailed order has been passed by the Punishing Authority giving the reasons for imposing the punishment on the appellant-plaintiff and the appellate authority has also passed a detailed order giving the reasons for not accepting the appeal of the appellant hence, the said order have rightly been upheld by the Courts below while dismissing the suit as well as the appeal filed by the appellant-plaintiff.

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

6. It may be noticed that the Court does not sit as an appellate authority with regard to disciplinary proceedings which are initiated against an employee. It is settled principle of law that the Court can only look into the procedural aspect of holding the disciplinary proceedings. The Court cannot decide as to whether, the punishment imposed upon an employee is valid or not unless and until it is a case of no evidence.

7. In the present case, the concurrent findings have been recorded by the Courts below that the punishment imposed upon the appellant-plaintiff after following the due process on the basis of evidence on record. That being so, no grievance can be raised by the appellant.

8. The second arguments which has been raised by the learned counsel for the appellant is that there is no application of mind while passing the impugned order of punishment. This argument is also incorrect. It is a conceded fact that during the disciplinary proceedings, a show cause notice was issued to the appellant-plaintiff for dismissal from service.

Ultimately, keeping in view the reply filed to the said show cause notice, the authorities decided to impose the punishment of stopping three increments with cumulative effect upon the appellant-plaintiff. That fact itself shows that there was an application of mind by which the proposed punishment was not imposed and a reduced punishment was imposed upon the appellant-plaintiff. Even the Appellate authority has passed a detailed order holding that the enquiry was conducted as per the rules and the punishment has been imposed commensurate to the allegations prove. That being so, the learned counsel for the appellant has not been able to point out any perversity in the findings recorded by the Courts below.

9. Hence, keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present regular second appeal, hence the same stands **dismissed**.

10. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

10.04.2024

Riya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No