

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

RSA-4750-2013 (O&M)

Date of Decision : April 10, 2024

Devi Lal

.. Appellant

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Nagpal, Advocate, for the appellant.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present appeal has been filed challenging the concurrent findings recorded by the Courts below by which, the civil suit filed by the appellant-plaintiff has been dismissed and the said judgment and decree of the trial Court vide order dated 30.10.2009 has been upheld by the lower Appellate Court vide judgment and decree dated 12.07.2013.

2. Learned counsel for the appellant-plaintiff argues that the judgments and decrees of the Courts below are perverse as the suit filed by the appellant-plaintiff for restraining the Department from recovery of Rs.22,27,790/- has not been dealt with in correct perspective keeping in view the evidence/facts which had come on record.

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

4. It may be noticed that before imposing the recovery of Rs.22,27,790/-, the departmental proceedings were initiated against the appellant-plaintiff wherein, upon proving of the allegations of causing loss to the department, the recovery was ordered to be done from the appellant-plaintiff to the tune of Rs.22,27,790/-. The said order was passed on 30.10.2009 by way of punishment, which has already attained finality.

5. It may be noticed that the said order was not even challenged by the appellant-plaintiff while filing the civil suit. That being so, once an order of punishment has been passed and the said order of punishment is not under challenge, the Courts below have rightly come to the conclusion that the recovery ordered after holding the disciplinary proceedings needs no interference and no relief can be granted to the appellant-plaintiff in the absence of any challenge to the order of punishment of recovery. Learned counsel for the appellant-plaintiff concede the said fact that the order of punishment of recovery imposed vide order dated 30.10.2003 was never challenged and the same has attained finality.

6. Learned counsel for the appellant-plaintiff has not been able to point out any perversity in the judgments and decrees of the Courts below.

7. It is also a conceded position that the order of punishment is not under challenge in the civil suit filed by the appellant-plaintiff. That being the factual aspect, in the absence of any perversity shown to this Court qua the judgments and decrees of the Courts below, which have been impugned in the present appeal, no ground is made out for any interference by this Court in the present appeal.

8. Dismissed.

9. Any civil miscellaneous application pending if any, also stands dismissed.

April 10, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No