

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3145-2016
Date of Decision: 27.02.2024

INDER PAL

...Appellant

Vs.

HARYANA WARE HOUSING CORPORATION AND ANOTHER
...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Abhishek Sharma, Advocate and
Mr. Kabir Gautam, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the judgment and decree of the Courts below by which, the suit filed by the appellant challenging the imposition of punishment and recovery, has been dismissed, which order has been upheld by the Lower Appellate Court.
2. Learned counsel for the appellant argues that the Courts below have failed to consider the fact that the charge-sheet which was served upon the appellant in the year 2006, related to an allegation, with respect to events of the year 1993 and submits that the chargesheet could not have been issued in respect of an event after a period of 13 years of the occurrence of the same. On being asked to show the rule which restrains the concerned authority from initiating the disciplinary proceedings against the appellant after a gap of 13 years if the employee still continues to be in the active service, the learned counsel for the appellant has not been able to show any rule to substantiate his argument.

3. Learned counsel for the appellant submits that non-initiating of the enquiry immediately has caused prejudice to the appellant. On being asked, as to what evidence has come on record to prove such prejudice, learned counsel for the appellant has not been able to show any document/fact from the record, which shows that any prejudice has been caused to the appellant/plaintiff. In the absence of any such evidence, mere statement of the learned counsel for the appellant that prejudice was caused to the appellant due to the delay in initiating the departmental proceedings, cannot be accepted.

4. Learned counsel for the appellant has further raised an argument that the charges were wrongly proved in the enquiry proceedings envisaged. It may be noticed that the jurisdiction of the Court is to ensure, the procedure for holding the disciplinary proceedings was followed. This Court cannot sit as an Appellate Authority so as to re-appreciate the evidence which has come before the authorities concerned for recording a contrary finding from what has been recorded by enquiry officer unless the said findings are shown to be perverse. Even otherwise, nothing has come on record to show that the enquiry report, was under challenge in the present suit.

5. Keeping in view the above, no perversity in the evidence recorded by the Courts below has been brought to the notice of this Court so as to require any interference.

6. The regular second appeal is dismissed.

27.02.2024

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(HARSIMRAN SINGH SETHI)
(JUDGE)

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