

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

101

2024:PHHC:022088-DB
LPA-1125-2023 (O & M)
Date of Decision: 16.02.2024

Pritam Singh

.....Appellant(s)

Versus

The General Manager, PUNBUS, Punjab and another

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Kuldeep Kumar Sarthi, Advocate,
for Mr. Deepak Arora, Advocate,
for the appellant.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM-2888-LPA-2023

1. Application for condonation of delay of 249 days in refiling the appeal is allowed, in view of averments made in the application duly supported by affidavit of the appellant.
2. Delay of 249 days in refiling the appeal is condoned.
3. CM stands disposed of.

LPA-1125-2023 (O & M)

4. The present letters patent appeal, which is barred by 49 days in filing of the same, seeks consideration of the judgment of the learned Single Judge passed in CWP-11527-2022 whereby, the writ petition was dismissed by the learned single Judge on 02.08.2022.
5. Vide the said judgment, it transpires that the challenge was to the termination order dated 14.12.2021 (Annexure P-1 therein) whereby the services of the appellant-writ petitioner as such were dispensed with who was working as a

Driver with the respondents. The learned Single Judge noticed that the Driver had

been appointed through outsourcing agency who was involved in two accidents within two years. The second accident related to a death of a person and the employer had to pay compensation of Rs.28,46,785/-. In such circumstances, dispensing of the services of the appellant-writ petitioner was upheld.

6. A perusal of the reasoning as such does not seem to be suffering from any infirmity. Further, a perusal of the order would go on to show that the liability had been fixed upon the employer to pay the amount as per the orders of the Motor Accidents Claim Tribunal, Fatehgarh Sahib. Neither the said order has been placed on record to demonstrate that the negligence was not on the part of the appellant-writ petitioner which is the basis of the dispensing of his services. Complete letter of appointment is also not on record to appreciate the terms and conditions of employment. Merely because of the fact that the appellant was acquitted from the charges in FIR No.160 dated 13.09.2013 under Sections 279, 337, 338, 427 IPC, P.S. Samrala would not be a good ground as such to interfere in the order of termination as the proceedings in the second FIR of 2015 are still pending. The employer as such cannot be foisted with a driver who is rash and negligent and has attributed to two accidents which is also contributing to the liability of the said employer. The fact that due to rash and negligent manner in which the appellant was driving, two accidents had taken place in a short span of time and it would be sufficient as such to dispense with the services of such a employee.

7. Keeping in view the above, we are of the considered opinion that the reasoning which has been given by the learned Single Judge does not suffer from any infirmity which would warrant us to grant indulgence in the appeal.

8. Accordingly, the present letters patent appeal stands dismissed. All

pending applications also stand disposed of accordingly.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

16.02.2024
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(VIKAS SURI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No