

2024:PHHC:073078



RSA-440-2018 (O&M)

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

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RSA-440-2018 (O&M)

Date of Decision :22.05.2024

Sucha Singh

...Appellant

Versus

**Punjab Agricultural University, Ludhaina
and others**

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.P. Vashisht, Advocate for the appellant.

Mr. Sanjeev Sharma, Advocate for the respondents.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present regular second appeal, challenge is to the judgment and decree of the Courts below by which, the civil suit filed by the appellant-plaintiff was dismissed by the trial Court vide judgment and decree dated 23.07.2015, which judgment of the trial Court has been upheld by the lower Appellate Court on 19.07.2017.

Learned counsel for the appellant-plaintiff argues that a punishment of a recovery of Rs.1,86.625/- has been imposed upon the appellant-plaintiff in the departmental proceedings and apart from the said recovery, two increments with cumulative effect were stopped, which amounts to double punishment which is not envisaged under law and hence,



the Courts below have failed to appreciate the said fact while dismissing the suit as well as appeal hence, civil suit filed by the appellant-plaintiff needs to be allowed qua the punishment imposed upon the appellant-plaintiff in the departmental proceedings.

Learned counsel for the respondents submits that the allegations alleged against the appellant-plaintiff were that due to his negligence material was missing from the store, which loss has been recovered from him and a punishment of stoppage of two increments with cumulative effect has been imposed by the respondents, which order of punishment passed in the disciplinary proceedings is perfectly valid and legal.

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

Keeping in view the allegations which have been alleged against the appellant-plaintiff that he has caused loss to the respondent-University, recovery as per the established loss has been ordered and for the negligence due to which the loss was caused, on the part of appellant-plaintiff to the respondents, two increments of the appellant-plaintiff with cumulative effect have been stopped. It cannot be said that the double punishment has been imposed upon the appellant-plaintiff so as to cause prejudice to him. Recovery of established loss caused, cannot be treated as punishment as right exists with the employer to recover the loss caused by an employee. Once, in the departmental proceedings the loss caused has been established, the said loss has rightly been recovered by the respondents. Punishment of stoppage of two increments with cumulative



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effect is qua the negligence part established against the appellant-plaintiff hence, as the appellant-plaintiff found negligent, punishment of stoppage of two increments with cumulative effect has been imposed qua the said established negligence. The Courts below have rightly come to the conclusion that order of punishment imposed is perfectly valid keeping in view the allegations alleged against the appellant-plaintiff.

Learned counsel for the appellant-plaintiff has not been able to point out any perversity in the judgment and decree of the Courts below and in the absence of any perversity being pointed out, no interference by this Court is called for and the present regular appeal is accordingly dismissed.

Civil miscellaneous application pending, if any is also disposed of.

May 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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