



RSA-5358-2003 (O&M)

1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-5358-2003 (O&M)
Date of Reserve:- 12.11.2025
Date of Pronouncement:-22.12.2025
Date of Uploading:- 22.12.2025

Roshan LalAppellant

vs.

State of Haryana and anr.Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Pooja Sareen, Advocate
for the appellant.

Mr. Harish Nain, A.A.G. Haryana.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 04.03.2002 passed by learned Civil Judge (Junior Division), Karnal whereby the civil suit filed by the appellant was dismissed and judgment and decree dated 24.07.2003 whereby the appeal filed by the appellant against the judgment and decree dated 04.03.2002, was also dismissed by learned Addl. District Judge, Karnal.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that the appellant was serving on regular basis with General Manager, Haryana Roadways, Karnal- (respondent No. 2). On 19.2.92, the appellant while on his duty, was driving bus bearing no. 5509 from Dandh to Karnal via Sita Mai and when he reached near Karan Park, Karnal, a cyclist was already lying on the road and the appellant was



appellant was involved in the accident for driving his bus rashly and negligently and due to this, death of the said person was caused. In this regard, a criminal case bearing FIR dated 19.2.92 under sections 279/304-A IPC was registered against the appellant. The appellant was acquitted of the charges in the above said case. However, respondents-State of Haryana and General Manager, Haryana Roadways, Karnal lost Motor Accidents Claim Tribunal case and the legal heirs of the said Mange Ram son of Mangat Ram were awarded a sum of Rs. 2,46,144/- along with cost amounting to Rs. 557.50 as compensation in that case. On this basis, General Manager, Haryana Roadways, Karnal (respondent No. 2) imposed major penalty upon the appellant thereby stopping his four increments vide order dated 21.11.1997. The appellant preferred appeal against order dated 21.11.1997 passed by respondent No. 2 before State Transport Commissioner, Haryana, who rejected the appeal of the appellant, vide order dated 24.02.1999.

3. The appellant then preferred civil suit but the same was dismissed, vide judgment and decree dated 04.03.2002 passed by learned Civil Judge (Junior Division), Karnal and the appeal filed against the same was also dismissed, vide judgment and decree dated 24.07.2003 passed by learned Additional District Judge, Karnal. Hence, the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

4. Learned counsel for the appellant contends that both the Courts did not appreciate the fact that appellant was acquitted of the charges framed against him, vide judgment dated 28.09.1995 passed by Chief Judicial Magistrate, Karnal in a criminal case bearing FIR dated 19.2.92 under sections 279/304-A IPC registered against him and wrongly dismissed the civil suit as well as appeal filed by him. She, therefore prays that the present appeal be allowed.



5. Per contra, learned counsel for the respondents argues on the lines of judgment and decree passed by both the Courts and contends that the civil suit as well as appeal have rightly been dismissed. He, therefore, prays that the present Regular second appeal be dismissed.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

ANALYSIS OF THE RECORD

7. A perusal of the record shows that the civil suit was filed by the appellant challenging orders dated 21.11.1997 and 24.02.1999 on the ground that both these orders are passed in clear violation of mandatory provisions of law and that no charge sheet was served upon him and no opportunity of being heard was given to him. However, perusal of the record shows that Ex. D-1 is charge sheet dated 11.3.94 which was duly received by the appellant along with details of allegations and summary of allegations on 13.3.1994 and the signatures of the appellant are there on the charge sheet dated 11.3.1994 (Ex. D-1) acknowledging the receipt of the above said documents. Therefore, it cannot be said that the appellant was not served with proper charge sheet.

8. Ex. P-1 is order dated 23.2.1999 which shows that the appellant was present for personal hearing on 19.1.1999 and he was heard and it was inferred that the appeal of the appellant was time barred and there was no merit in his case because the appellant caused the death of a person in an accident because of which the department had to give compensation amounting to Rs. 2.50 lacs to the legal heirs of the deceased and the General Manager, Haryana Roadways, Karnal did not terminate the services of the appellant, rather took a lenient view towards the appellant by imposing punishment of stopping of his four increments. Therefore, it



cannot be accepted that the appellant was not given opportunity of being heard while passing order dated 23.2.1999 (Ex P1) and 21.11.1997 (Ex. D-7).

9. Order dated 21.11.1997 (Ex. D-7) passed by the General Manager, Haryana Roadways, Karnal shows that show cause notice dated 23.7.1997 (Ex. D-5) was served upon the appellant and he filed reply (Ex D6) to show cause notice, which was found unsatisfactory and, thereafter, vide letter dated 2.9.1997 the appellant was heard personally on 8.9.1997. Order dated 21.11.1997 Ex. D-7 also shows that during personal hearing, the appellant did not produce any concrete evidence in his favour and the General Manager, Haryana Roadways, Karnal by taking a lenient view towards the appellant, did not terminate the services of the appellant and rather imposed punishment of stopping of his four annual increments with cumulative effect. Therefore, due opportunity of hearing was given to the appellant while passing the order dated 21.11.97 Ex. D-7.

CONCLUSION

10. In view of the above, I do not find any infirmity in judgment and decree dated 04.03.2002 passed by learned Civil Judge (Junior Division), Karnal as well as judgment and decree dated 24.07.2003 passed by learned District Judge, Karnal and the same are upheld. Accordingly, the present regular second appeal is dismissed.

11. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

12. Pending application (s) if any also stands disposed of.

22.12.2025

Gaurav Arora

(SUDEEPTI SHARMA)

JUDGE

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