

2025:PHHC:163570



RSA-1494-2000

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

RSA-1494-2000

Date of decision : 26.11.2025

State of Punjab and others

... Appellants

Versus

Pritam Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sandeep Singh, AAG, Punjab
for the appellants.

VIKAS BAHL, J.(ORAL)

1. The present appeal arises from a suit which was filed on 05.01.1995. The suit was filed by the plaintiff-respondent for declaration that the orders vide which the penalty of withholding of two increments with cumulative effect had been imposed and the recovery has been ordered, were illegal, null and void. The trial Court had decreed the suit and had held the said orders to be illegal, null and void and further restrained the present appellants from effecting recovery. The appeal filed by the present appellants was dismissed by the Ist Appellate Court.

2. On 21.07.2000, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr.N.D.S. Mann, DAG, Punjab
for the appellant.*



Contends that the Courts below after having found the inquiry as technically defective should have restored the matter back to the stage where the irregularity had occurred and not directed the release of the consequential relief. For this reliance has been placed on the judgment of the Supreme Court in the case of State of Punjab vs. Dr. Harbhajan Singh 1996 Volume 3 RSJ page 82.

Admitted.

July 21.2000”

3. Apparently, the respondent has retired. The argument raised at the time of admission, as has been noticed above, that in case there was a defect in inquiry, the matter should have been restored back, even if prima facie correct would not call for interference in the present regular second appeal at this stage as the suit which was filed in the year 1995 was decreed in the year 1998 and even the appeal filed by the State of Punjab was dismissed in the year 1999.

4. This Court while deciding **RSA-1191-1994** titled as **“Inderjit Singh vs. Punjab State Electricity Board and another”** on 03.11.2025 had observed as under:-

“22. The question that now remains to be considered is as to whether at this stage the respondent authorities should be given the right to hold a regular inquiry or not. The impugned



*order was passed in the year 1990 and the judgment of the trial Court was passed in the year 1993 and that of the 1st Appellate Court was passed in the year 1993 and the present appeal has been filed in the year 1994 and the present appellant is stated to have retired. The Hon'ble Supreme Court in the case of **Kulwant Singh Gill (supra)** had held that on account of lapse of time, it was not expedient to direct an inquiry. This Court also on account of the abovesaid facts and circumstances and also on account of the lapse of time, is of the view that it would not be expedient to hold the inquiry at this stage.*

23. Accordingly, the present Regular Second Appeal is allowed and the judgments of the trial Court as well as of the 1st Appellate Court are set aside and the impugned order dated 31.05.1990 is held to be illegal, null and void and is set aside and the suit of the plaintiff is decreed. The appellant/plaintiff would be entitled to all consequential benefits.”

5. Thus, keeping in view the law laid down in the case of **Kulwant Singh Gill vs. The State of Punjab** reported as **Supp 1991 (1) SCC 504** and also observations laid in the judgment in the case of **Inderjit Singh (supra)**, this Court is of the opinion that at this stage, even if the argument raised on 21.07.2000 is taken on face value, then, also no interference is called for.



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Additionally it would be relevant to mention that there is no interim order in favour of the appellants.

6. Learned counsel for the appellants has submitted that in view of the above, the present appeal be disposed of but liberty be granted to the appellants to revive the appeal in case any cause still survives.

7. In view of the above, the present appeal is disposed of with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

November 26, 2025.

Davinder Kumar

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