



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP No. 8740 of 2025

Date of Decision : 08.04.2025

Vijay Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Varun Goyal, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Mr. Shreenath A. Khemka, Advocate
for respondent No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is qua the order dated 14.09.2022 (Annexure P-11) by which, the petitioner was imposed with the punishment of stoppage of one annual grade increment with cumulative effect. The further challenge is to the order dated 13.06.2024 (Annexure P-12) by which the service appeal against order dated 14.09.2022 (Annexure P-11) filed by the petitioner against the said order has been dismissed.

2. Learned counsel for the petitioner argues that the petitioner was being accused of the misplacing the inquest report, which allegation has been wrongly proved against the petitioner. Learned counsel for the petitioner submits that signatures were taken deceitfully from the petitioner



while allegedly handing over the possession of the said inquest report to petitioner whereas, in actuality the said report was never entrusted upon the petitioner.

3. Keeping in view the advance copy given, Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab appears on behalf of respondent No. 1 and Mr. Shreenath A. Khemka, Advocate appears on behalf of respondent No. 2 and 3. Learned counsel for the respondents submit that once an allegation alleged against the petitioner has already been proved in the departmental enquiry conducted against him and the allegation that the said inquest report has been lost by the petitioner has been accepted by the punishing authority and punishment qua the same has been imposed upon the petitioner and the appeal filed by the petitioner against order of punishment has already been dismissed, the petitioner cannot be allowed to say that the signatures of the petitioner upon the receipt of the inquest report were taken in a deceitful manner.

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

5. It is a conceded fact that as per the record, the petitioner had appended his signatures while receiving the inquest report, which inquest report had gone missing. Once, the said inquest report had gone missing and the petitioner was the last holder of the same as per the record which fact has been established before the authority concerned, the petitioner cannot be allowed to contend at this stage that the signatures qua the entrustment of the inquest report were taken deceitfully.



6. Even otherwise, once disciplinary proceedings have been held against the petitioner and the allegations have been proved, this Court does not have any jurisdiction to re-open the said issue so as to re-evaluate the evidence, which has come on record so as to record a finding other than what has been recorded by the punishing authority so as to ascertain that whether the petitioner is guilty of the allegations alleged against him or not.

7. There is no argument raised by learned counsel for the petitioner that the petitioner was not given due opportunity to defend during the enquiry proceedings.

8. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the present petition.

9. Dismissed in limine.

April 08, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No