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

**RSA-4486-2001 (O&M)
Date of decision: 23.07.2025**

STATE OF HARYANA & ANR.**..Appellants****Versus****ISHWAR SINGH****..Respondent****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA****Present:** Mr. Manish Dadwal, AAG, Haryana

Mr. R.S. Kundu, Advocate
for respondent.

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 25.10.1999, passed by learned Additional Civil Judge-I (Senior Division), Hisar, whereby, the civil suit filed by the respondent was decreed in his favour and judgment dated 30.07.2001, whereby, appeal filed against judgment and decree dated 25.10.1999 was dismissed by learned Additional District Judge, Hisar.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as stated in the Civil Suit are that during the year 1988, the respondent was posted as Junior Engineer, P.W.D.(B&R), Bhiwani and remained posted there up to 19.8.1991. For certain lapses, the respondent was charge-sheeted by the appellant under Rule 7 of the Haryana Punishment and Appeals Rules, 1987 vide charge sheet dated 27.12.1988. The respondent submitted a detailed reply to the charge-sheet. Thereafter



regular enquiry was ordered to be held. After conclusion of the enquiry vide order dated 03.03.1992, respondent was penalized of stoppage of one increment without cumulative effect and down grading of his Annual Confidential Report for the year 1986-87 from good to average. He filed departmental appeal against order dated 03.03.1992 before Secretary to Government of Haryana but the same was dismissed by Joint Secretary vide orders dated 22.02.1996 and 25.05.1996. He filed Civil Suit challenging order dated 03.03.1992. The Civil Suit was decreed in his favour by learned Additional Civil Judge-I (Senior Division), Hisar vide its judgment and decree dated 25.10.1999. Appellant-State filed appeal against judgment and decree dated 25.10.1999 which was dismissed by learned Additional District Judge, Hisar, vide its judgment and decree dated 30.07.2001. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANT:-

3. Learned State counsel for the appellants contends that both the Courts erred in law in holding that list of witnesses was not supplied to the respondent and did not appreciate the evidence on record. Further, both the Courts did not appreciate the evidence oral as well as documentary, which was part of record while deciding the civil suit as well as the appeal, therefore, the present appeal be allowed.

SUBMISSIONS OF LEARNED COUNSEL FOR RESPONDENT:

4. Per contra, learned counsel for respondent argues on the lines of civil suit and contends that the present appeal be dismissed.

DISCUSSION AND ANALYSIS:

5. I have heard learned counsel for the parties and perused the whole record of the present case.



6. Vide order dated 20.11.2001, the operation of impugned judgments and decrees dated 25.10.1999 and 30.07.2001 was stayed by this Court.

7. The copy of chargesheet under Rule 7 of the Haryana Punishment and Appeal Rules, 1987, was served upon respondent (Ex.PA) along with chargesheet, there are statement of allegations and statement of charges against the respondent. Ex.PB is the reply to the chargesheet submitted by the respondent. Ex.D-2 is the order, whereby, the appellant appointed inquiry officer. Ex.D-3 is the inquiry report. Ex.D-9 is the show cause notice issued to the respondent after submission of inquiry report vide which it was proposed that penalty of stoppage of one increment without cumulative effect would be imposed upon the respondent. A perusal of the record shows that no list of witnesses was appended along with chargesheet. In the show cause notice (Ex.D-9), penalty of one increment without future effect was proposed, whereas, vide order dated 03.03.1992 (Ex.PC) not only the punishment of stoppage of one increment without future effect was imposed but ACR of the respondent for the year 1986-87 was also downgraded from 'Good' to 'Average'.

8. This shows that the respondent was not afforded any opportunity to lead defence evidence and no personal hearing was given to the respondent. The downgrading of ACR for the year 1986-87 without show cause notice further shows that principle of natural justice will not follow.

9. The respondent filed appeal against order dated 03.03.1992 and the Commissioner and Secretary to Government of Haryana were competent to hear the appeal, whereas, the same was heard by Joint Secretary. Ex.D-12



is the letter written by the Secretary to the Government of Haryana to show that the respondent was asked to appear before Joint Secretary to Government of Haryana for personal hearing and Joint Secretary to Government of Haryana was to decide the appeal. The Joint Secretary was not competent to hear the appeal, therefore, it has rightly been held by learned Additional Civil Judge-I (Senior Division), Hisar that the order dated 22.02.1996 passed by Joint Secretary to Government of Haryana is bad in the eyes of law.

10. Further, a perusal of order dated 03.03.1992 shows that Annual Confidential Report of the respondent was downgraded for the year 1986-87 from 'Good' to 'Average' without issuing any show cause notice regarding the same, which is again not sustainable in the eyes of law.

11. Learned Additional Civil Judge-I (Senior Division), Hisar while decreeing the civil suit in favour of respondent granted liberty to the appellant to pass fresh final order in accordance with law.

DECISION

12. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 25.10.1999, passed by learned Additional Civil Judge-I (Senior Division), Hisar and judgment dated 30.07.2001, passed by learned Additional District Judge, Hisar.

13. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

14. Decree sheet be drawn.

July 23th, 2025

Ayub

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

(SUDEEPTI SHARMA)
JUDGE