

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

**RSA-2260-2006 (O&M)
Reserved on: 08.10.2025
Pronounced on : 15.12.2025
Uploaded On: 15.12.2025**

State of Haryana and Anr.

... Appellants

Versus

Phulpati and Ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana

Mr. S.N. Pillania, Advocate
for the respondents.

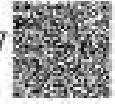
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SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 23.01.2006 passed by Additional District Judge-II, Jind, whereby, appeal filed by respondents against judgment and decree dated 09.11.2004 passed by Additional Civil Judge (Sr. Division), Jind was accepted and civil suit filed by respondent was decreed in his favour.

2. Brief facts of the case as per the pleadings are that respondent/plaintiff (Nafe Singh) was posted as Conductor in Haryana Roadways, Jind Depot and was permanent and regular employee of Government of Haryana. His services were terminated vide order dated 01.05.1997 against which he preferred appeal and the same was dismissed by Transport Commissioner, Haryana, Chandigarh on 04.03.1998.

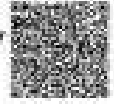
Thereafter, he filed revision before Financial Commissioner and Secretary to



Transport Department, which was also dismissed vide order dated 29.01.1999. He filed civil suit challenging order of termination dated 01.05.1997, order of dismissal of appeal dated 04.03.1998 and order of dismissal of revision dated 29.01.1999 which was dismissed vide judgment and decree dated 09.11.2004 passed by Additional Civil Judge (Sr. Division), Jind. The respondents filed appeal against judgment and decree dated 09.11.2004 before Additional District Judge-II, Jind which was allowed vide judgment and decree dated 23.01.2006. Hence, the present regular second appeal.

3. Learned State counsel contends that the only ground taken by learned Additional District Judge-II, Jind while allowing the appeal filed by the respondents is that passengers in the bus were not examined. He further contends that respondents never challenged chargesheet or enquiry report on the basis of which the termination order was passed and that the appeal and revision filed by respondent (Nafe Singh) were dismissed. He, therefore, prays that the present regular second appeal be allowed and judgment and decree dated 23.01.2006 passed by Additional District Judge-II, Jind be set aside. He relies on judgment passed by Hon'ble Supreme Court titled as ***“State of Haryana and another Vs. Rattan Singh”, 1977 PLR 492*** to support his arguments.

4. Per contra, learned counsel for the respondents contends that there is no evidence regarding collection of money by the respondent (Nafe Singh) and no amount was in fact received by the respondent (Nafe Singh). He further contends that recording of statement of passengers is must, which was not recorded by the officer who was on checking duty. And that



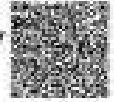
Vijender Kumar was examined as DW-1 who admitted that they did not check the total number of passengers traveling in the bus without ticket or with ticket. He further contends that no opportunity of being heard was granted to the respondent (Nafe Singh) before his termination. He, therefore, prays that the present regular second appeal be dismissed.

5. Learned counsel for the respondents relies on the following judgments to support his arguments :-

- a) ***SLP(c) Nos.33473 of 2016*** titled as ***“Mohinder Singh (dead) through LRs Vs. Delhi Transport Corporation”***
- b) ***RSA-3273-1999*** titled as ***“State of Haryana and others Vs. Bikar singh and others”***

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

7. A perusal of the pleadings in the civil suit shows that the reason for termination of the respondent (Nafe Singh) was that on 20.09.1993, the bus of which respondent/plaintiff was conductor was on route from Alwar to Ludhiana was checked at Dhuri and a case of embezzlement of Rs.154/- was made out against him. And at the time of checking of the said bus, it was over-loaded with passengers who were sitting on the roof and as many as 50 tickets were already issued to passengers who were inside the bus and the process of issuing tickets was going on since the passengers who were sitting on the roof had not taken ticket by that time and it was not possible to issue ticket to the passengers who were sitting on the roof of the bus and the inspectors who checked the bus themselves collected the actual fare from those passengers instead of charging 10 times and at the same time forcibly snatched unpunched tickets from respondent (Nafe Singh) and made a report

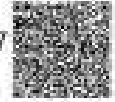


against respondent/plaintiff. Thereafter, after issuing chargesheet and conducting enquiry, respondent (Nafe Singh) was terminated from service.

8. Admittedly, respondent/plaintiff was posted as conductor in Haryana Roadways, Jind Depot. Checking was conducted at Dhuri by Inspector of Haryana Roadways, while the bus of respondent/plaintiff was on route from Alwar to Ludhiana. From perusal of documents, Ex.D-1 and Ex.D-10 it is evident that during checking conducted by inspectors of Haryana Roadways, it was found that respondent (Nafe Singh) had collected Rs.154/- from 22 passengers @Rs.7/- per passenger, as 22 passengers were found traveling without ticket, on the basis of which show cause notice Ex.D-11 was duly served upon respondent (Nafe Singh). Ex.D-12 is the acknowledgment. From Ex.D-10 it appears that findings given in the report is based on the statement of Rohtash Inspector.

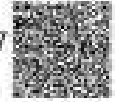
9. So far as the contention of learned counsel for the respondents with respect to the non-recording of statement of passengers by checking staff/inquiry officer is concerned, the same is not required as held by Hon'ble Supreme Court in "***State of Haryana and another Vs. Rattan Singh***"; 1977 PLR 492 which is relied upon by the learned counsel for the appellant. Even otherwise, respondent (Nafe Singh) was also having this opportunity for getting passengers examined at the time of enquiry by producing them before the inquiry officer.

10. So far as the judgments i.e. ***SLP(c) Nos.33473 of 2016*** titled as "***Mohinder Singh (dead) through LRs Vs. Delhi Transport Corporation***" and ***RSA-3273-1999*** titled as "***State of Haryana and others Vs. Bikar Singh and others***" relied upon by learned counsel for the respondents are



concerned, the facts are distinguishable, since in the present case the admitted fact as revealed from the record shows that the respondent (Nafe Singh) charged the passengers but did not give them tickets, whereas, in the case referred to above conductor was in the process of issuing tickets and some passengers were found to be without tickets.

11. Further respondent could also examine the passengers but he did not avail this opportunity. Moreover, reasoning given in Ex.D-10 which is concluded report submitted by inquiry officer is based upon statement of responsible officials of Haryana Roadways and it is evident on record from documents Ex.D-6 and Ex.D-7 which are statements of Rohtash Inspector and Ramdia Inspector respectively which were recorded by inquiry officer during enquiry and respondent was given due opportunity to cross-examine these witnesses at length, therefore, it cannot be said that merely on the ground of non-recording of statement of passengers of the bus, the termination order is bad. Further perusal of record reveals that document Ex.D-2 chargesheet was issued to respondent who acknowledged the same vide Ex.D-3. Thereafter, Ex.D-4, inquiry officer was appointed who issued letter to respondent (Ex.D-5). Thereafter, statement of Rohtash Inspector as well as Ramdia Inspector (Ex.D-6 and Ex.D-7) respectively were recorded and respondent cross-examined these witnesses at length. Thereafter, his (respondent) statement was recorded (Ex.D-8), in which he was asked to produce defence evidence. Vide Ex.D-9 entire enquiry report Ex.D-10 was submitted by inquiry officer, whereupon document Ex.D-11 i.e. the show cause notice was issued by General Manager, Haryana Roadways, Jind to the respondent mentioning therein that the show cause notice was issued



before the proposed action is taken against him. Ex.D-12 is acknowledgment of Ex.D-11 (show cause notice) by the respondent and vide Ex.D-13 personal hearing was given to the respondent. Subsequently, order dated 01.05.1997 (Ex.D-14) was passed by General Manager, Haryana Roadways, Jind. Thereafter, vide Ex.D-15, notice was issued by Transport Commissioner to respondent for personal hearing and thereafter, order Ex.D-16 was passed.

12. Therefore, termination order was passed after following principle of natural justice and giving full opportunity to the respondent including personal hearing to defend his case.

13. Learned Additional District Judge-II, Jind did not appreciate the fact and evidence on record while allowing the appeal filed by the respondent. Appeal filed by respondent was allowed only on the ground that the passengers were not examined which question is already dealt with by this Court as discussed above by referring to judgment of Hon'ble Supreme Court titled as "***State of Haryana and another Vs. Rattan Singh***"; 1977 ***PLR 492*** wherein, it has been held that examination of passengers of the bus is not required.

14. Accordingly, the present regular second appeal is **allowed** and judgment and decree dated 23.01.2006 passed by Additional District Judge-II, Jind is set aside.

15. Pending application(s), if any, also stand disposed of.

15.12.2025

Saahil

(SUDEEPTI SHARMA)

JUDGE

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